

**STATE OF VERMONT  
PUBLIC SERVICE BOARD**

Application of Orchard Road Solar I, LLC for a )  
certificate of public good, pursuant to 30 V.S.A. )  
§§ 219a and 248, to install and operate a 500 kW ) CPG #16-0042-NMP  
group net metered solar electric generation facility )  
located on Orchard Road in Middletown Springs, )  
Vermont, to be known as the “Orchard Road )  
Solar Project” )

**Middletown Springs Neighbors’ Comments in Opposition to the Application  
of Orchard Road Solar I**

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Enclosure: Neighbors’ Reply to Response to Comments

## **A. Introduction**

Now come the Middletown Springs Neighbors (“the Neighbors”) Richard Spitalny, Ted and Dina Fitzpatrick, Daniel McKeen and Ellen Secord, Neil and Thomas Russell, Elizabeth Cooper, Karen and Robert Galloway, Peter and Aileen Stevenson, Karen Gutmann and Larry Springsteen, Doug Freilich and Julie Sperling, Roy Cooper, and offer these comments to demonstrate that a technical hearing is necessary for the Public Service Board (“the Board”) to fully understand the negative impacts that would result from the proposed project and the failure of the Application to qualify for a Certificate of Public Good (CPG).

The proposed 500 kW solar development (“the Project”), proposed to be built by EDF groSolar (“the Applicant”), has a number of problems that have not been satisfactorily addressed by the Applicant and that, as proposed, would not comply with the statutory Criteria necessary for a CPG to be issued. These problems are summarized below and then explained in more detail under each of the Criteria.

Contrary to the assertions of the Applicant, the Project would be highly visible from many public views and private properties. The Project is considerably more intrusive and has many more negative impacts than presented by the Applicant. Furthermore, the Application should be rejected because it is deficient in numerous areas and the Board, therefore, cannot properly review the proposed Project for compliance with the applicable Criteria..

The site is a former orchard that historically used a variety of chemicals that are still likely to be present in the soils of the parcel of land proposed for the solar project. As detailed below, old apple orchards are well documented to contain toxic substances such as lead arsenate and therefore require special remediation. The site chosen by the Applicant contains the potential to release toxic chemicals into surface water and groundwater due to disturbance of toxic soils and penetration into the ground for installation of the solar array, construction of a 12 foot wide gravel road, installation of a fence encompassing several acres; and, the planting of dozens of trees. This is a unique issue which the Applicant fails to address and claims is not relevant. Neighbors rely on groundwater for their drinking water and enjoy swimming and fishing in the Poultney River just 1400 feet away, downhill, which could become contaminated through careless development.

The Neighbors’ concerns about health and safety include, in addition to potential release of toxic substances in soil and water, glare, noise and electromagnetic emissions, all of which are of special concern to neighbors immediately to the west.

The Project violates the Middletown Springs Town Plan which calls for the preservation of specific areas of town in the Highland Conservation District, including the site of the proposed solar array. Notably, the Middletown Springs Town Plan contains language strikingly similar to that of the Bennington Town Plan that the Board found was violated by the proposed Chelsea Solar Project. The Project also does not comply with the Rutland Regional Plan due to its highly visible site that cannot be adequately mitigated.

The Application's aesthetics evaluation fails to show the views from various public roads as well as numerous properties in the area from which the Project site is visible during all seasons. The Applicant fails to take into account the interests of neighbors immediately to the west who have let the Applicant know of their plans to construct a home uphill from the proposed site, and facing northeast with a direct view of the proposed solar site.

Only one of the many historic homes in the area is considered by the Applicant and the Vermont Division of Historic Preservation (VDHP). Many others have been completely ignored.

The Project also has the potential to negatively impact the Middletown Springs grand list due to its high visibility location in one of the highest valued areas of the town.

An additional issue of concern involves the negative impacts on wildlife including deer and woodcock known to inhabit the site which would be disrupted by fencing and development of the solar array.

There is a legitimate concern about the scope of the project. The Application presents the proposal as a 500 kW project occupying 3 – 5 acres. However, the Applicant has acknowledged land lease options for the entire 30 acres apparently under lease by the Applicant. The landowner also has disclosed to the Neighbors that the lease contains options which would enable EDF groSolar to construct much larger (over five acres) and even more visible additions to the Project site in the future. The Neighbors seek finality with the Board's review of this project. If a CPG is granted for the 500 kW project, the Neighbors request that the Board limit development at the site to this one Project.

Given the extensive deficiencies, omissions, and issues presented by the Application, the Neighbors have raised numerous substantive issues under the criteria and hereby formally request a hearing.

## **B. Application Contains Substantial Deficiencies and Omissions**

### ***1. Errors***

- The town highlighted in one of the maps sent to an abutter by the Applicant is of Benson, VT and not Middletown Springs, VT.
- The scale of the site drawings submitted is incorrect and it is unclear what the actual boundaries of the proposed array and fencing would be.
- Tom Russell's house at 300 West Street is LESS than 3000 feet away from the solar site, despite SE Group's report to the contrary.

### ***2. Quechee Analysis Is Incomplete***

In Part II of the Quechee Analysis, Section A: Viewshed Determination, it is stated that their work "involved reviewing the project site plan and conducting a photographic reconnaissance of the area".

- The applicant's aesthetic report is very incomplete as they failed to provide pictures from several public roads or multiple surrounding properties that would clearly show an unduly adverse effect on aesthetics and scenic and natural beauty. This includes numerous neighbors to the north, neighbors to the east, two neighbors to the west, including the adjoining neighbor to the west and south, just 50 feet from the proposed site border.
- The owners of the meadow to the west have indicated to the Applicant their long standing plan to build their retirement home there.
- The Applicant's aesthetics report does not show any simulations of what the proposed solar array site would look like from any vantage points, and there are no markers at the site to help interested parties or the Board visualize the boundaries and size of the project.
- The Applicant failed to conduct a glare analysis specifically addressing the nearby neighbor to the west.

**3. *These Facts, And Others, Related to 67 Wescott Road Were Overlooked***

- The house site is actually 300+/- feet from the proposed site, as opposed to the Application's assertion that it is 400 feet.
- No pictures from that vantage point were included by the SE Group.
- No mention was made of the view from the deck on the southeast corner, or the view from the large bedroom window on the second floor.
- This residence was described as seasonal, though it is not. It is occupied every few weeks, year-round. Thus, for the majority of the residents' time there, there is no foliage to even partially block the view of the proposed array, along with the 7-8 ft. surrounding fence, the 12 ft. wide gravel road and very tall utility poles.

**4. *This Power is Not Locally Advantageous***

- groSolar is now owned by French company EDF, and is no longer a 'Vermont' company
- Energy would be sold out of the town and county, so there would be no direct town usage
- No information has been provided as to whether RECs will be sold or retired
- The siting of the whole project, on a north facing hill with larger hills to the south and west, seems like a big investment and local disruption for no return or benefit to the community

**5. *Future Plans Unclear***

- At a local public informational meeting, called by the Middletown Springs Select Board, both the landowners, the Querreys, and EDF groSolar insisted that the project size would only ever cover five acres total.
- Information provided to the abutters by EDF groSolar (and also filed with the PSB), describes the parcel as 30 acres with one of the drawings clearly showing the setback on the eastern border along Orchard Road as 100 ft. to Project.
- This leads us to believe that, in the future, Applicant plans on exercising their option of utilizing the full 30 acres. If this is the case, this is definitely not a 500kW project.

**6. Possible Toxins in the Soil**

- The Applicant failed to address specific concerns raised during the first and second 45 day comment periods, especially suggestions that the soil be tested for arsenic, pesticides and insecticides.
- See related emails with Applicant's attorneys and owner of the orchard attached, as Exhibit N-1 by reference made a part hereof.
- The site is uphill 1400 ft +/- from the Poultney River.

**C. Proposed Project Negative Impacts**

**1. 30 V.S.A. § 248(b)(5) Public Health and Safety**

Pursuant to 30 V.S.A. § 219a(c)(2)(A) and Board Rule 5.108(B), the Board has conditionally waived review of some criteria, including 30 V.S.A. § 248(b)(5) Public Health and Safety. The Neighbors request that the Board rescind that waiver in this proceeding.

**(a) Solar glare** from solar panels is occurring at some sites in Vermont. In particular, its effects have been documented to be problematic for neighbors to the southwest.



*Penn Energy's 2.2 MW Solar array in North Clarendon, VT produces mirror-like blinding solar glare for drivers who pass by between 7 and 8 a.m.  
Photo taken from Route 7 looking northeast.*

A recently-erected 500 kW solar array in Benson, Vermont shown in the following two photos is creating blinding glare for the neighbor immediately across the road to the southwest. The neighbor experiences this mirror-like glare for about two hours every sunny morning. He must keep his blinds closed and is concerned for his health, the health of his cat, his family and friends, and drivers of vehicles that pass by this site.



*Because the panels are high up off the ground, effective screening is not possible*



*Because land owned by the neighbor goes uphill, any attempts to screen with trees  
will not address the portions of the neighbor's property that is elevated*

The Neighbors of the Project include the Fitzpatricks who have disclosed to EDF groSolar their intention to construct a year-round residence in the near future, to the west and southwest and uphill from the proposed solar array. The Applicant has not conducted a glare analysis specific to the property to the Fitzpatrick's property to the west.

**(b) Contaminated Soils (also 10 V.S.A §6086(a)(1) (air and water pollution); 10 V.S.A §§ 6086(a)(2)&(3)(sufficiency of water and burden on existing supply); 20 V.S.A. § 6086(a)(1)(B) waste disposal; 10 V.S.A. §6086(a)(1)(E) streams; 10 V.S.A. § 6086(a)(4) soil erosion))**

This Project site raises an issue that may be unique to any previous sites the Board has considered for solar development. The Project site is part of an apple orchard established in 1917 by Henry Buxton [Exhibit N-2, Hall Letter] that was in continuous operation as an apple orchard until the current property owner shut down operations in the fall of 2001. The previous owners, the Halls, documented their use of chemicals, “A strict spraying schedule was instituted.” [Ex. N-2, p. 1] The orchard property owner prior to the Halls was Richard Spitalny, who has provided an affidavit [Exhibit N-3] acknowledging the use of poisoned corn, insecticides and pesticides during the time of his ownership from 1972 to 1979.

Records prior to Spitalny’s ownership or after Hall’s ownership are not available to the public. According to Cary Giguere of Vermont’s Agency of Agriculture (AA),<sup>1</sup> pesticide application records would be held by AA only if the chemicals were applied by a commercial applicator. The current orchard operator’s records are required to be made available for inspection by AA, but only if the orchard is in operation. Since the orchard is no longer operating, its historical pesticide application records are not required to be produced for AA inspection. Thus we formally hereby request that the Board require the current owners of the orchard, who have leased the proposed Project site to EDF groSolar to provide their pesticide application records for all years during which they operated the orchard as a commercial concern.

The issue of development of contaminated orchards is a problem that is well studied, especially in certain states. A 2006 student master’s thesis from Virginia explored the history of chemical usage at orchard sites<sup>2</sup> and details this history on pp. 8 and 9,

According to Marlatt (1904), in the United States Department of Agriculture (USDA) Agriculture Statistics yearbook, it was stated, “essentially all commercial apple orchards were treated with arsenic”. Several sprays of lead arsenate, at a rate of two to four pounds per 100 gallons of water, were applied to the apples during a season. This generally occurred one to three times a season and gradually increased to five to six times a season.

According to Murphy and Aucott (1998) the USDA’s Agricultural Statistics yearbooks state that in 1929 the U.S. consumption rate of lead arsenate was 29.1 million pounds, peaking in 1944 with an estimated 86.4 million pounds and then declining to only 3.9 million pounds by 1973. From the peak usage in the 1940’s until the 1970’s, lead arsenate use declined because more effective pesticides became available, however, it was still used extensively and the application rates and amounts continued to increase.

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<sup>1</sup> Conversation of August 25, 2016

<sup>2</sup> <https://theses.lib.vt.edu/theses/available/etd-06212006-002244/unrestricted/SchooleyETD3.pdf>

There is no question that chemicals were used on the Project site. According to previous owner and current Neighbor Richard Spitalny, the trees that were in the Project site once produced an abundance of apples until they were cut in or about 1995. The investigation then turns to the question of how much lead and arsenic have accumulated and still reside in the soil. The 2006 masters thesis points to the stability of both compounds and the potential for accumulation over time. [p. 11]:

The heavy use of lead arsenate in apple orchards during those many decades may have contributed to major problems in the environment, including the build-up of arsenic (As) and lead (Pb) in the soil. Naturally occurring arsenic and lead are quite stable and do not break down in the environment, accumulating with each use over time in orchard soils.

At least two concerns arise from the historic use of pesticides at the Project site: the potential for leaching into groundwater, and for soil disturbance to result in releases to surface water. These concerns are well justified according to information in available literature. For instance, the masters thesis notes on p. 11,

Depending on soil type, both elements, particularly lead, tend to linger in the top 5-20 cm of the soil. Leaching of arsenic has occurred below the 20 cm level (Veneman et al., 1983). If given the right soil conditions (pH, mineralogy, and precipitation), arsenic has been found to leach farther into the ground (Peryea and Creger, 1994 and Warner, 1996), and possibly contaminate groundwater.

In the section calling for Further Research on pp. 68-69, the masters thesis states as the first two points:

- Movement off-site (water contamination) -- Contamination can spread through surface runoff or through sub-surface water systems. Much of the area in Virginia that was previously covered with commercial orchards contain karst topography, a condition that can result in sub-surface ground water close to the soil surface level. Surface runoff may be a more serious concern because of the availability of the contaminants in the topsoil. Research should be done to determine the effect of both of these conditions.
- Leaching (water contamination) – The full implication of leaching needs further examination. The result of other chemicals being applied to contaminated soil may cause lead arsenate to leach further into the soil and contaminate ground water. With many of the communities affected by lead arsenate contamination using well systems, a more thorough hydrologic analysis needs to be performed to determine the true effect of contamination on water supplies.

Technical information on arsenic and lead mobility as it relates to the potential of area-wide contamination to impact groundwater was provided in a memorandum produced by a Washington state firm.<sup>3</sup> Translation of the conclusion on p. 16, below, could be “it depends” on the specifics of the site:

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<sup>3</sup>[http://www.ecy.wa.gov/programs/tcp/SAB/SAB\\_mtg\\_info/mtg\\_061211/As%20&%20Pb%20Mobility\\_TM.pdf](http://www.ecy.wa.gov/programs/tcp/SAB/SAB_mtg_info/mtg_061211/As%20&%20Pb%20Mobility_TM.pdf)

Evaluating the mobility of arsenic and lead relies on an understanding of geochemical relationships as well as an empirical understanding of soil and groundwater occurrence in different settings.

A 2002 study titled “New Hampshire Apple Orchards as a Source of Arsenic Contamination”<sup>4</sup> looks at the issue:

We hypothesize that, if left undisturbed, lead arsenate remains immobile in the soil column. However, any disturbances that increase physical erosion of the soil may mobilize the arsenic and lead and concentrate these metals in nearby stream and lake sediments.

The study considers the effect of tilling on the mobilization of residual arsenical pesticides and shows that lead (Pb) and arsenic (As) are bound to small and presumably highly mobile particles. The study concludes on p. 66:

It is therefore likely that other types of land disturbances will also mobilize significant amounts of Pb and As in lands where arsenical pesticides were used, particularly over longer timescales.

An article published in *Environmental Health Perspectives* in 2006<sup>5</sup> references the above study published in the January/February 2006 issue of the *Journal of Environmental Quality* by Carl Renshaw, a hydrogeologist at Dartmouth College, showing that arsenate in the soil can be remobilized by being disturbed. He compared two fields in the same historic New Hampshire orchard. One field had never been disturbed, whereas the other had been tilled and replanted in the early 1990s.

What we found was that in the field that had been replanted, there was somewhat less arsenic on it than in the undisturbed field,” he says.

Given the assumption of virtually identical application rates over the years, the discrepancy apparently arose from a portion of the arsenic in the disturbed field having been mobilized and removed by surface water. Renshaw found arsenic in the sediment of a nearby stream in amounts that very closely matched the arsenic missing from the tilled field.

“The implication from our study,” says Renshaw, “is that if you’re not really careful about erosion, you’re going to end up sending a lot of arsenic down into the stream channel.

At the time of Renshaw’s study’s release, Dartmouth College issued a press release<sup>6</sup> stating

“Historic farmlands in New Hampshire and elsewhere are increasingly being developed,” says Renshaw. “While the arsenic and lead in the soils of old orchards is essentially immobile as long as the land is not disturbed, our work

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<sup>4</sup>[https://www.researchgate.net/publication/253725992\\_New\\_Hampshire\\_Apple\\_Orchards\\_as\\_a\\_Source\\_of\\_Arsenic\\_Contamination](https://www.researchgate.net/publication/253725992_New_Hampshire_Apple_Orchards_as_a_Source_of_Arsenic_Contamination)

<sup>5</sup> The Apple Bites Back: Claiming Old Orchards for Residential Development,  
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1551991/>

<sup>6</sup> <http://www.dartmouth.edu/~news/releases/2006/02/17.html>

suggests that the development of these lands can inadvertently mobilize these metals toward bodies of water. Communities in these areas may want to ensure additional precautions are taken to control erosion when old orchard lands are disturbed in order to reduce the potential for contamination of nearby surface waters.”

*Potential for the Project to Mobilize Lead and Arsenic to Surface Water*

Having established there is a potential for lead arsenate to have been used at the Project site and there is a potential for lead and arsenic to mobilize to groundwater and surface water, we will now evaluate the specifics of the Project’s earth disturbance and installation activities to determine whether the issue of soil contamination is relevant to this proposed development.

*Soil Disturbance as Described by Applicant*

Arrowwood Environmental states that “soils will be minimally displaced.” The following information provided by the Applicant regarding methods of installation point to other than “minimally” disturbance of soils:

- a) Tree and stump removal will disturb the site and, presumably, will have to be replaced with imported material.
- b) Tree screening and fence installations will require equipment excavating and moving about the site.
- c) At an informational meeting on June 2, 2016 at the Middletown Springs Elementary School, Peter Bay stated that track drilling rigs would be used to set panel anchors.
- d) The applicant states that they will conform to the national Electric Code for fence and electric system installations. NEC Article 3005F has strict bedding and cover requirements which would require material to be imported to the site and placed in various locations all over the site rather than using the site material.
- e) The applicant is installing a gravel lot and road on the site and states that it will conform to Vermont Highway Specifications. This will require excavation of existing soils and importation of gravel material and placement of gravel.
- f) The applicant states that they will follow erosion control practices of the State of Vermont. Proper installation of silt fencing requires trench excavation to anchor it which disturbs a lot of soil for proper erosion control.
- g) There will be excess material generated from trench excavation, parking lot and road excavation and tree planting which one would assume would be trucked off or graded into site contours.
- h) Equipment will be used to move panel anchors, panels and other components around the site. Because of their weight and size, there will be soil disturbance from their tires as they travel all over the site.

The above list shows that “minimal” disturbance is an inaccurate characterization of what will actually happen during installation. The excavations for stumps, parking, roads electrical conduit, erosion control, along with track equipment and general equipment traffic all over the site will more than “...minimally displace the soils.”

In addition to the above issues raised here with regard to heavy disturbance of soils, Applicant EDF groSolar's Rod Viens letter (August 16, 2016) to Neighbor Richard Spitalny states that "...a phase I Environmental Site Assessment has been commissioned...based on the intended use as a solar array no additional testing is merited."

The Applicant's assessment does not take into account the various site operations during installation that will disturb, dislodge, and release some of these chemicals. Once disturbed, the chemicals will be subject to water and wind transportation into the surrounding environment.

*Potential for The Project to Result in Transport of Lead and Arsenic to Groundwater*

In his Motion to Intervene, neighbor Tom Russell writes: "This is Middletown Springs and as the name suggests there is an abundance of springs in this town. There are many in the Orchard itself if I remember correctly."

As shown in the photos below, the Project site is wet and contains visible, exposed ledge.



*Project site looking south (uphill)*



*Project site, mid-field*

Neighbor Neil Russell discusses groSolar's approach to installation of the Project in his Motion to Intervene: "As it has been explained to me by EDF groSolar, the method of installing the solar panel bases comprises the use of a tracked vehicle to screw anchors many feet into the ground."

Arsenic and lead and other chemicals possibly used historically on the Project site could enter the groundwater via the screws inserted many feet into the ground. Given the exposed ledge at the site, and with standing water on the site, opening up new pathways to groundwater is a logical possibility for this specific site.

Neil Russell sums up the issues regarding potential surface and groundwater contamination as follows:

I have been in construction since my first job at age 15. I have owned my own business in the field since 1999 and have done many excavation and land projects in that time including ponds, foundation holes, driveways, buried utilities etc. No matter how careful the operator is there is always destruction and disruption of the soil with any tracked vehicle even LGP (low ground pressure) models. Disrupting the soil over a 5 acre parcel (and maybe even a larger area) to drill in over 2000 panel support posts will, in my opinion, undoubtedly tear up the ground and potentially cause the release of these toxic chemicals from the soil where they have been trapped for the last 30 years. The same goes for the construction of the access road to the site and perimeter fencing. If they do get released they can flow downhill directly into the Poultney River or possibly seep down into the ground and ledge, making their way into the ground water supply. My well is at a depth approximately 100 foot below the Poultney River and roughly 1500 ft. away from

the proposed site but this by no means is a guarantee against possible contamination. Ground water and surface water are 2 separate things and as a friend in the well drilling business once told me, he could drill a well in the middle of a river and come up dry. My father's well along with the wells of 7 other homes are even closer than mine.

**2. Contrary to 30 V.S.A § 248(b)(1) the Project will unduly interfere with the orderly development of the region.**

The Project will unduly interfere with the orderly development of the region because the Project does not comply with the Town Plan adopted by the Town of Middletown Springs as pertains to scenic and agricultural resources, in particular the protection of the ridgeline in the area of the Project from industrial commercial development and the preservation of the rural lifestyle and appearance of the community.

According to Section 248 (b)(1), due consideration must be given to the recommendations of the municipal legislative bodies and the land conservation measures contained in the plan of any affected municipality. As described below, and as will be more fully demonstrated later in these proceedings, the Project site runs counter to the specific guiding principles for development as set forth in the Middletown Springs Town Plan, adopted March 6, 2012 which can be found in its entirety here:  
<http://middletownsprings.vt.gov/wp-content/uploads/2012/03/2012-Town-Plan.pdf>.

By proposing that 2,250 solar panels, each 9 feet tall, be installed on approximately 5 acres, at an elevation over 1,000 feet more than 200 feet above Route 140, at the top of an apple orchard, that can be seen from miles away from Route 140 and numerous homes as indicated in the Aesthetics section of this Comment Letter, the Project clearly does not comply with Middletown Springs current Town Plan.

According to the Town Plan,  
Middletown Springs is unique among Vermont towns...in adopting a proposed Town Plan by public vote. A Town Plan accepted at the polls indicates acceptance by the voters... [Introduction, p. 1]

Middletown Springs is  
one of Vermont's uniquely shaped communities and defined by its encircling mountains... [Chapter I, Section A, p. 2] The preservation of agriculture, the protection of scenic ridgelines, and a compact village hub are integral to the character of the Town. Future land use should maintain these qualities. [Chapter II: Land Use, Section A, p. 9]

The particular emphasis on the protection of scenic ridgelines from development is highlighted as one of the Town's five overall land use goals.

Most importantly, Chapter II, Section F, of the Town Plan identifies for preservation the Town's Highland Conservation Areas. That section states:

Middletown Springs is defined by the steep, forested ridgelines that occur near the boundary of the Town including Coy Mountain, Spruce Knob and Spoon Mountain, and the ridge above Train Brook. The ridgelines of Barker Mountain, Morgan Mountain, Barber Mountain, and Spaulding Mountain, as well as a number of other unnamed ridges also contribute to the rugged topography of Middletown Springs. As the place names indicate, the ridgelines hold historic and sentimental value to the residents. They are also important ecologically and aesthetically. [Chapter II, Section F, p. 16]

The Project site, which is an integral component of the Coy Mountain ridgeline, is located precisely in one of the areas specifically identified by the Town Plan for preservation – Coy Mountain, one of the historically significant boundary and scenic viewscapes of the Town. The photograph below is worth a thousand words.



**photo location 8**

The above-quoted Town Plan language identifying Highland Conservation Areas is of the same nature and specificity as the language contained in the Bennington Town Plan describing that Town's so-called "Rural Conservation Districts." The proposed Chelsea Solar Project was found by the Board to violate such Town Plan language (Docket No. 8302), and we submit that EDF groSolar's Orchard Road Solar I Project will similarly fail to meet the requisite standard.

The Town Plan for Middletown Springs emphasizes that any development occur within the context of maintaining the rural character of the Town. Chapter I, Section A: The Past, Present and Future, on p. 4, continuing on to p. 5, The Future: it is written:

The general goal of the residents of Middletown Springs is to preserve the rural lifestyle and appearance while providing community services, recreational and cultural opportunities, quality education, and protection of environment as well as economic growth opportunities, specifically agriculture and forestry. The resident survey showed that most residents indicated a preference for the Town to remain the same while asking for improvement in the appearance of the village part of the Town. A majority of residents are not in favor of zoning but are open to the idea regulating ridgeline development in order to protect the environment and landscape beauty. Many are ready to accept some technological advances, e.g. cell towers, provided they do not disrupt the rural beauty of our surrounding hills or the environment.

As demonstrated in the Aesthetics section of this Comment Letter, the proposed project would radically disrupt the rural beauty of one of the Town's best known hills, the southern hillside component of Burnham Hollow. Chapter II: Land Use, A. Overview of said plan, on p. 9, reads:

The people of Middletown Springs want the Town to keep its traditional rural character. The preservation of agriculture, the protection of scenic ridgelines, and a compact village hub are integral to the character of the Town. Future land use should maintain these qualities. No major changes in land use are foreseen for the next 5 years and future land use should follow present land use. As a general principle, development of any type should not occur in protected areas (state identified wetlands) sensitive areas (ridgelines, steep slopes, winter deer habitat, and prime agricultural lands.)

Chapter II, Section A: Overview, at the bottom of p. 9, in # 5 of Overall Land Use Goals: the Plan specifies:

Protect ridgelines from development for aesthetics, ecological and safety reasons.

As stated in the Town Plan for Middletown Springs it is the general goal of Town policy to conserve the beautiful and scenic rural nature of the Town by supporting agriculture and not industrial development.

There are eight maps included in Appendix B: Maps. The Project site can be found: (i) in the Rural District of the Future Land Use map on page 2 of Appendix B; (ii) as an Active Farm Field on the Protected and Sensitive Areas map, on page 5 of Appendix B; and, (iii) as an Active Farm Field & Row Crops and Orchard on the Agricultural Lands and Fields map on page 6 of Appendix B.

Chapter II, Section E: Rural Areas, Goal, on p. 16 of the Town Plan, the Goal for Rural Areas (identified on the map as the Rural District) reads:

Maintain attractive countryside with large tracts of open land in diversified agricultural uses.

It is significant to note that on p. 3 of Appendix A: Summary of Town Plan Survey, in Overall message, the very last sentence reads:

In short, residents do not want to see much change for the town, and where change does occur, the change should enhance rather than alter the town's basic rural character.

In summary, the Middletown Springs Town Plan contains numerous statements that express the desire of the townspeople to maintain the rural and scenic character of the Town, especially in the specific area for which the Project is proposed. As explained in detail in the Aesthetics section, the Project's visibility from many vantage points in a highly scenic area with no structures at all similar to the proposed solar arrays would be shocking and offensive. For the same reasons, it would contradict the Town Plan's clear desire to maintain the rural and scenic values of the proposed site and its surroundings and therefore would interfere with the orderly development of the region.

*The Project is not in compliance with the Rutland Regional Plan – Adopted June 16, 2015*

The Project will interfere with the orderly development of the Rutland Region as it is not in accordance with the Regional Plan adopted June 16, 2015 as noted in the following excerpts from the Energy section of the Regional Plan, which can be found in its entirety at: <https://www.dropbox.com/s/s9u6lv3nzi5gimf/Energy.pdf?dl=0>

The Rutland Regional Plan on page 5, acknowledges the need for the development of renewable energy sources, but stresses that new generation facilities must avoid undue adverse impacts on local communities and the environment.

*Renewables*

Vermont is promoting the development of renewable energy sources to address climate change and reduce reliance on fossil fuels, and increase energy options available locally. However, new energy generation also must avoid undue adverse impacts on local communities and the environment.

The Rutland Regional Plan, page 7, points to siting issues for solar generators particularly for facilities 150 kW and greater and commercial systems that have arisen in the Region that may be responsible for detrimental losses.

However, siting issues over solar generators have arisen in the Rutland Region because of the proliferation of solar, particularly 150 kW and greater utility-scale and commercial PV systems. There is concern that these systems in particular could be responsible for an undue loss of prime agricultural land, forests, wetlands and property values of neighbors. Questions over the regulatory process for solar generating facilities also arose with many municipalities feeling like they are lacking a voice.

In the Rutland Regional Plan page 10, in the section, *Proposed Regional and Community Standards for Energy Facility Siting and Development (for Regional and Municipal Plans and Act 250/Section 248 Proceedings)* there are several requirements that are

relevant to the Orchard Road Solar project and with the Project plans do not comply as mentioned in previous discussions of the issues.

*All Transmission and Generation Facilities*

9. Facility construction and renovation is consistent with historic preservation guidelines published by the Secretary of the Interior and the Vermont Division for Historic Preservation.

10. Any proposed facility shall comply with the plan and bylaws of the municipality where it is to be located.

11. Any proposed facility shall consider the cumulative impact of land use aesthetics, property values, and landowner compensation for multiple energy generation and transmission facilities.

*Solar Electricity Facilities*

Photovoltaic and other solar electricity facilities shall be designed, constructed, and operated such that:

1. The facility is located to make use of a developed or existing structure or brownfield site, including parcels contaminated or perceived to be contaminated that otherwise hinders redevelopment, so as to avoid primary agricultural soils and silvicultural areas.
2. The facility is designed to locate inverters and support structures away from existing residences, wetlands, special flood areas, and slopes.
3. The facility is designed to reduce visibilities from the road with setbacks and screening.

The Project does not comply with the Rutland Regional Plan because the site does not make use of a developed or existing structure, it does not avoid primary agricultural soils or silvicultural areas, it proposes to locate inverters and support structures next to residences on a wet site with slopes that increase the aesthetic impact. As presented by the Applicant, the Project is not designed to reduce visibilities from the road with setbacks and screening, and it impacts numerous historic properties the Applicant has failed to acknowledge.

**3. The Application's proposed Project is a major change to the aesthetics of the area and does not comply with 30 V.S.A. § 248(b)(5) Aesthetics, Historic Sites and Rare and Irreplaceable Natural Areas 10 V.S.A. § 6086(a)(8).**

When an Applicant applies for a Certificate of Public Good, an aesthetic review is required. The Board has adopted the Quechee Analysis as its framework for aesthetic reviews. In order for the Board to determine if an Applicant should be granted a Certificate of Public Good for any particular project the Applicant needs to provide a complete Quechee Analysis. The Applicant did not conduct a complete Quechee Analysis and, the Applicant's conclusion that the proposed Project would not create an undue adverse on aesthetics is unfounded.

In this section of the Comment Letter we have provided a far more comprehensive picture of the visibility of the project and the aesthetic impacts with a focus on vantage points from federal, state and local roads, and, in particular, areas of high scenic value and from places officially designated as a cultural, aesthetic or recreational facility or resource, and from places at or in close proximity to residences.

We have considered the character of the area of the proposed Project site as well as line of sight viewsheds that demonstrate that the proposed Project raises substantive issues under the criteria the Board is supposed to evaluate. Thus, below we have identified some of the many issues that require further testimony or, alternatively, are reasons for the Board to deny the project a Certificate of Public Good.

Also, in this section of our Comment Letter, at the end, we introduce just a few of the adjoining property owners who will be negatively affected and who therefore are vehemently opposed to the proposed project. They describe their situations in their own words in order to communicate to the Board how prominent the proposed Project site is from VT Route 140 as well as from numerous local roads, residences, and farms, such as those in the aerial image below.



- |  |   |
|--|---|
| 1 Proposed Project Site                          | 8 Rob & Karen Galloway: 89 Norton St.         |
| 2 Neil Russell: 240 West St.                     | 9 Richard Spitalny: 67 Wescott Road           |
| 3 Julie Sperling & Doug Freilich: 22 Sundog Lane | 10 Ted & Dina Fitzpatrick: 59 Wescott Road    |
| 4 Tom Russell: 300 West St.                      | 11 Roy Cooper: 327 West St.                   |
| 5 Dan McKeen & Ellen Secord: 320 West St.        | 12 Peter & Aileen Stevenson: 97 Coy Hill Rd.  |
| 6 Rocks & Trees, Inc. (6 owners): 320 West St.   | 13 Intersection of Coy Hill Rd. & Buxton Ave. |
| 7 Oskamp & Lindorff: 56 Rocks & Trees Lane       | 14 VT Route 140/West Street                   |

The Applicant agrees with us that the proposed Project will have an adverse aesthetic impact. Applicant's consultant, the SE Group, in its Aesthetics Assessment Report dated June 6, 2016 [Exhibit ORS-MK-2] on page 9 of 20 states that: "...we conclude that the Project does create an adverse aesthetic impact on the visual resources."

However, unlike the Applicant's position that the adverse impact is not undue, our more comprehensive analysis leads to the conclusion that the proposed project is so out of harmony with the surrounding area from so many vantage points that it would clearly be shocking and offensive to the average person.

It is also obvious the Project cannot be adequately screened to mitigate the undue adverse effect, due to the high visibility of the site from numerous vantage points and the topography of the area. Under Act 250 precedent, some projects are so incompatible with their surroundings that the adverse effect on aesthetics cannot be mitigated by screening and must therefore be denied. See *Southwestern Vermont Health Care Corp.*, #8B0537-EB, Findings of Fact, Conclusions of Law and Order at 35 (2/22/01); *Northshore Development, Inc.* #4C0626-5-EB, Findings of Fact, Conclusions of Law and Order at 11-12 (12/29/88)

SE Group's Aesthetics Assessment Report dated June 6, 2016 [Exhibit ORS-MK-2] on page 6 of 20 accurately describes the proposed Project site. However, the SE Group report reviewing the area's existing context and character fails to mention that there is not anything remotely similar to the proposed Project's scale, form or style anywhere in the nearby area. Below is a view of the proposed Project site and its surroundings.



As one can see from the image above, 2,250 glass and metal solar panels, about 9 feet high, crammed into about 4 acres, surrounded by a 7 to 8 foot tall fence, a 12 foot wide gravel access road, and a 10 feet by 20 feet concrete slab for an equipment house would be drastically out of harmony with the Project site's surroundings.

SE Group's Aesthetics Assessment Report dated June 6, 2016 [Exhibit ORS-MK-2] on page 15 of 20 describes the materials to be used as follows:

The galvanized metal/gray color of the frames and racks that support the photovoltaic panels are less visible during winter. The photovoltaic surfaces are non-reflective and a dull, dark blue color that has a similar albedo (or surface reflectivity) to natural grasses, meadows and fields.

It is obvious that "metal/gray" and "dull, dark blue" are not, in any way, similar to the green and yellow colors of natural grasses, meadows and fields such as those below.



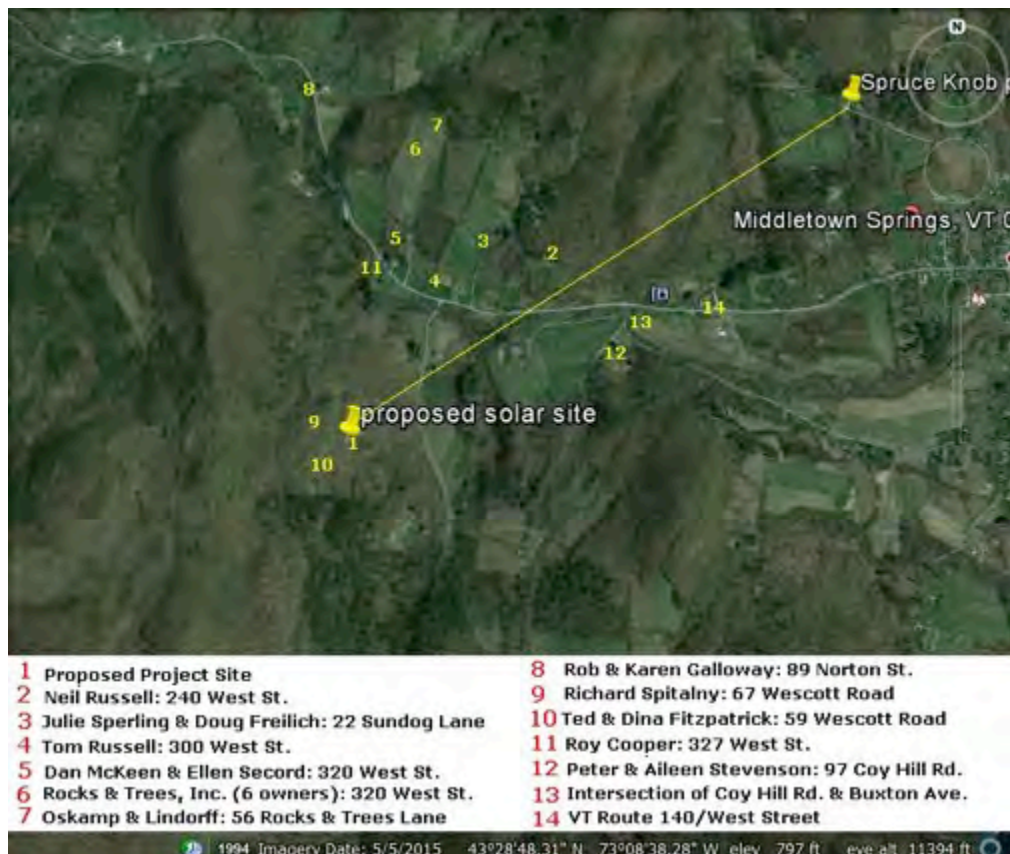
photo location 2

Despite Applicant and SE Group's comments in the Application to the contrary, the proposed Project site is highly visible from the public corridor, Vt. Route 140 as well as from several local roads that crisscross Middletown Springs, and from numerous residences and properties near by. After all, the proposed Project site's elevation is approximately 1,000. feet.<sup>7</sup>

<sup>7</sup> Exhibit ORS-DB-2 Arrowwood Environmental's 6/29/2016 Natural Resources Assessment, III. Site Characterization, pg.1 of 6



View of proposed project site from 1/2 mile up Spruce Knob Road  
(Aerial image with yellow push-pins shows where this picture was taken)



SE Group's Aesthetics Assessment Report dated June 6, 2016 [Exhibit ORS-MK-2] contains numerous omissions and incorrect assertions. For example, on page 3 of 20 they write:

Across the valley, north of Route 140, the topography rises up from the river to another hillside. This hillside is more developed with several clusters of farms and residential homes located off private drives in the edge of the forest. The nearest home on the hillside is approximately 3,000' away.

Then, again, on page 5 of 20, continuing on page 6 of 20, of Exhibit ORS-MK-2, SE Group writes;

Views from Nearby Residential Areas: There are several residential properties in the vicinity of the Project that may have views of the Project, predominantly from the opposite hillside north of Route 140. The nearest residences across the valley are approximately 3,000' away. The residential clusters have intermittent views of the Project as the topography and existing vegetation both near the project site and near the residences will interrupt clear views of the Project.

Similar descriptions that the 'nearest residences across the valley are approximately 3,000' away' and that views are intermittent, etc. appear on page 19 of Applicant Orchard Road Solar I, LLC's Proposed Findings of Fact and Order, A. Project Description, item 83.

There is also a reference to a "seasonal cabin" west of the project site on Wescott Road that is approximately 400 feet away from the panels.

In this same section, as the very last sentence, Applicant writes

Additionally there is an undeveloped parcel of land immediately abutting the western project boundary.

*We now address these false and/or misleading statements one by one:*

*First:* Thomas Russell lives at 300 West Street Middletown Springs, Vt. (Location 4 in the aerial image on page 21.) His home is on the north side of Vt. Route 140, just north of the Poultney River. The River is approximately 1400 feet from the project site.<sup>8</sup> The house is approximately 300 feet north of the River, thus well less than 2,000 feet from the project site rather than the 3,000 feet referenced in SE Group's report. This substantial 33.33% percent discrepancy is likely not an oversight or an inadvertent mistake. As is addressed in more detail in this Comment Letter in the section on Historic Sites, we note here that Mr. Russell's house is listed in "The Historic Architecture of Rutland County, Vermont State Register of Historic Places" as follows: "#2 (Farm) a. House c. 1800, 1850 Vernacular Greek Revival Style, sidehall plan, 2 1/2 stories. Features: sidelights, paneled entry pilasters, entry entablature, reveals, gable fan; b. Barn, c. 1870; c. Garage, c. 1910; d. Barn, c. 1910; e. chicken coop, c. 1890."

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<sup>8</sup> Exhibit ORS-DB-2 Arrowwood Environmental's 6/29/2016 Natural Resources Assessment, III. Site Characterization, pg.1 of 6

Second: The red barn in the left, foreground of the picture below is referenced in the Vermont State Register description above and, as can be seen in that picture, the view is neither “intermittent” nor does existing vegetation both near the project site and near the residences “interrupt clear views of the Project” despite SE Group’s assertions to the contrary.



Note that the picture above and almost all of the others included in this Comment Letter were taken during full foliage. Obviously the proposed Project site will be much more visible during fall, winter and early spring when there are no leaves on the deciduous trees that are seen in the photograph.

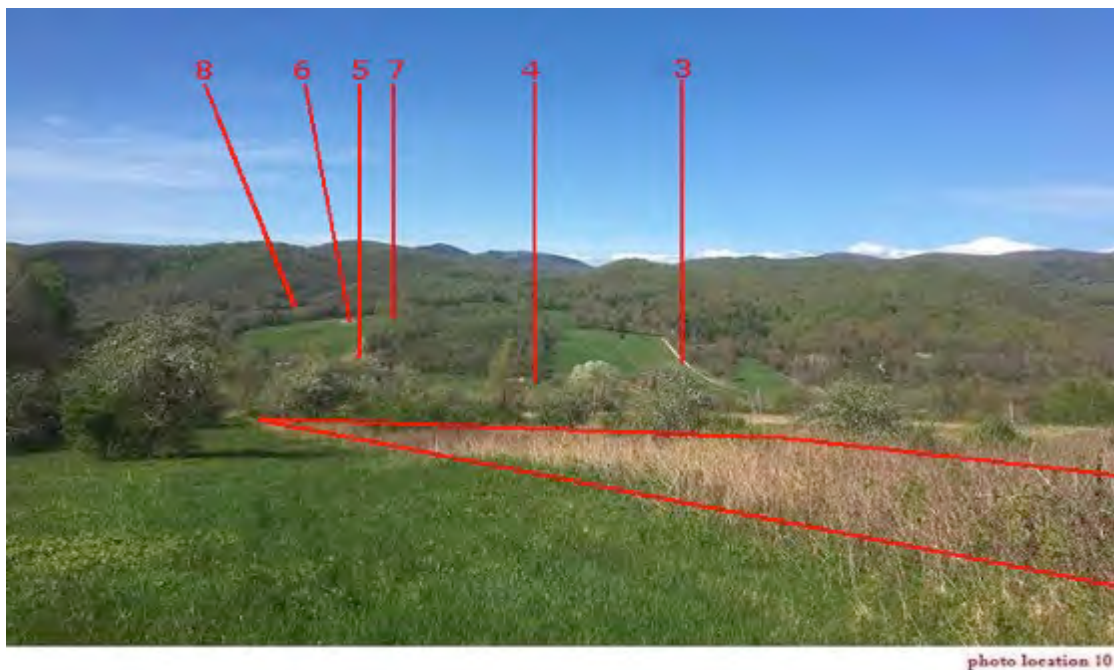
Third: The house Applicant refers to as a ‘seasonal cabin’ is located at 67 Wescott Road and is used year-round. It is not a seasonal cabin. (Location 9 in the aerial image on page 21.) The house is situated approximately 300 feet from the Project Parcel’s western border while its property line is a mere 185 feet from the proposed Project Parcel.

The current beautiful and panoramic views of the orchard, farms and mountains in the distance from the wrap-around deck large living room window, and the large second floor window would largely be marred as the viewer looks at the thousands of proposed, 9 foot tall solar panels, 7 to 8 foot high fencing, etc. during fall, winter and early spring when the trees are bare.

For a sense of that view, we have included the picture below, taken from the deck, looking northeasterly.



Fourth: The closest property to the proposed Project site is contiguous with the site's western property line. This land has stunning views to the west, north and the east as can be seen in the picture below.



While no structure presently exists on the property, property owners Ted and Dina Fitzpatrick have, on numerous occasions, since early April of 2016, notified Applicant, in writing, of their pending plans to build their retirement home on their 10 acre parcel. (Location 10 in the aerial image on page 21.) Despite such knowledge, Applicant continues to refer to the parcel as “an undeveloped parcel of land” and continues to propose a set back of only 50 feet. Applicant’s installation of the proposed Project would practically eliminate these gorgeous panoramic views. NOTE: In the picture above, the array of 2,250 solar panels would be placed in the field outlined with red lines; the red numbers refer to the locations indicated in the aerial image on page 21.

While the SE Group report mentions south-facing hillside meadows north of the project site and two residential properties immediately to its west, they provide little documentation backing up their claim of minimal visual impact, because they would not be able to, as clearly evidenced by the photographs included with this Comment Letter.

Further, the SE Group neither conducted a detailed analysis of the outstanding panoramic views from these hillside meadows, nor described the distinct visibility of the proposed Project and the degree it would disturb these pastoral, uncluttered views. Rather, the adjoining land owners and affected parties had to hire a consultant to do Applicant’s work for them.

Neighbors hired Michael Lawrence. His report and his resume are both included with this Comment Letter. [Exhibits N-3 and N-4]. As Michael Lawrence points out in his report, the Applicant should have provided photo simulations from two or three locations on these two western properties where Applicant determined the visual impact to be greatest.

Another deficiency in the Application is that the SE Group failed to provide *any* photo simulation images of the proposed project. That imagery would help the Board and Neighbors to get a better idea of its size and scale in the context of the existing open hillside space.

Neighbors also focused on the proposed Project’s impact on open space and if the proposed Project threatens a resource of scenic significance. The proposed Project would be about 5 acres in size, located on a highly visible hillside site, at an elevation of 1,000 feet leading us to conclude that indeed the Project would impose on the area’s open space. Hopefully with the photographs included in this Comment Letter and in Mr. Lawrence’s report the Board can appreciate the extremely negative visual impact on the natural beauty of the area as it exists today for anyone living near and working or recreating in the hillside meadows to the north and on the two properties to its immediate west.

After the Board views these photographs as well as those in Mr. Lawrence’s report we believe that the Board will agree that the landscapes fulfill the criterion to earn them and the proposed Project site the status of ‘highly scenic’. Clearly the Applicant’s Project Developer, Peter Bay, does since he recently wrote in a letter to the Fitzpatricks: “While this is a typical process for EDF groSolar, we realize that this is very important due to the

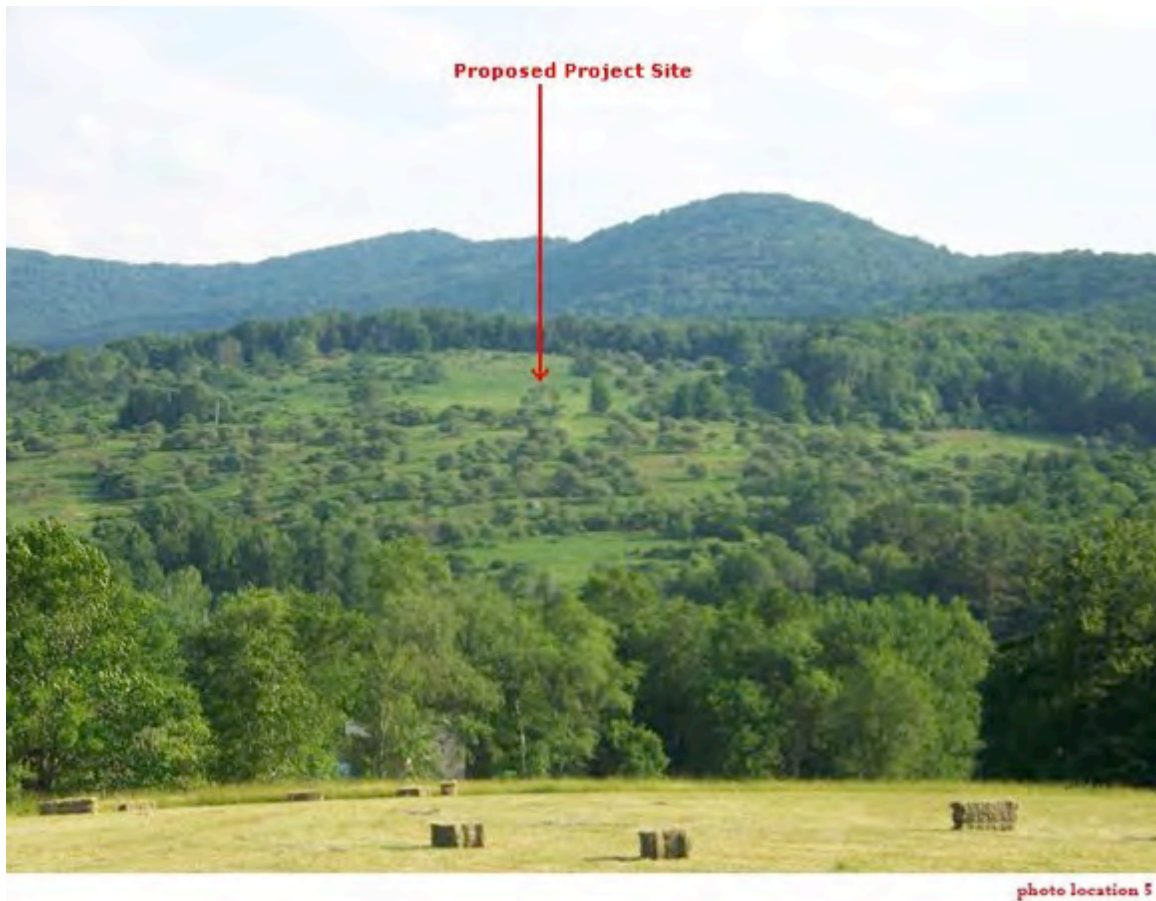
exceptional beauty of Middletown Springs - something invaluable to its residents and visitors.” [undated letter written week of April 19, 2016]



The Project would have an undue adverse effect on aesthetics under the Quechee Analysis for the following reasons. It violates clear, written community standards that call for preserving the area of the Project and which are intended to protect the scenic beauty of the area which is further addressed in the Orderly Development section of this Comment Letter.

Also, the proposed Project would be both shocking and offensive to the average person. If indeed placed, as planned, in the midst of what anyone would consider a beautiful (if not gorgeous), scenic, rural, countryside, featured in *Vermont Life Magazine* [Exhibit N-5], the proposed Project would be glaringly prominent, shocking and offensive when viewed from properties and homes immediately to the west, from many places in the northern meadows, from VT Route 140, and from numerous local roads.

The project would offend the sensibilities of residents of Middletown Springs as demonstrated by more than 100 petition signatures. [Exhibit N-6].



Due to the topography of the proposed Project site (which slopes upwards toward the south), the elevation of the proposed Project site, as well as the elevation of the roads and residences on the south-facing hillside north of the proposed project site, it is not possible to plant trees tall enough to mitigate views from the hillside, roads, fields, meadows and homes north of the proposed Project as is clearly evident in the picture above taken from Dan McKeen and Ellen Secord's meadow. (Location 5 in the aerial image on page 21.) When viewed thus it is clear that the mitigation plans described on Mitigation Planting Plan | Figure 10 of Exhibit ORS-MK-2 are woefully inadequate; because, reasonable mitigation of this poorly selected site is not possible when viewed from the northern vantage points such as 2, 3, 4, 5, 6, 7, and 8 in the aerial image on page 21.

Further, in reviewing the mitigation plan in Figure 10, referenced above, Michael Lawrence advises that the symbols representing new trees appear significantly larger in scale than the trees will be at planting. "Photosimulations showing tree scale at the time of planting, then five or so years later, would help evaluators better understand the realistic impact of proposed landscaping when viewed from the westerly neighbors and roads and properties to the east." [N-3, p. 13]

We note with interest Applicant's reference to existing trees that border the proposed Project site as part of their plans for mitigation. Those trees are on private property, not within the 5 acres of the proposed Project site. Thus, it is inappropriate for the Applicant

to include them as part of their mitigation plan, since there is nothing to prevent the current or future landowner from cutting them down.

*In this section are included the concerns of some of the adjoining landowners.*

*Ted & Dina Fitzpatrick, location 10:* The property at 59 Wescott Rd. is vacant land at present but was purchased by us for the purpose of constructing a single family residence where we will reside on a full time basis. This property is contiguous to the proposed solar electric generation facility and borders the proposed site on the western most boundary of the site. According to the documents submitted by the applicant for the Orchard Road Solar Project, the proposed facility is to be erected 50 feet east of the property line. We purchased this property in 2004 with only one intent, to build a full time residence upon our retirement. The proposed residence will be constructed several hundred feet south of Wescott Rd. The residence will be set at a higher elevation than the proposed solar facility which will place this project in the line of sight of our residence effectively obstructing and destroying the view we currently enjoy.

The proposal is a major change to the aesthetics of the area. The property provides a beautiful view of the mountains and the field where the proposed solar facility is to be constructed. The residence we intend to build on the property will set at a higher elevation than the facility. This project will devastate those views and completely change the panoramic scenery we currently enjoy. We purchased this land specifically for the breathtaking views and this project will irrevocably destroy that view. The solar facility would be fully visible from our property and the project's proposed screening would be completely inadequate.

In a review of the plans for this project, it seems that no consideration was given to the fact that these panels are going to be placed facing south on a downward slope toward the north. It would seem that the placement of these solar panels in this manner would raise the height that the panels need to be placed, 9 feet according to plans, as they directly oppose the natural lay of the land. An alternate site, in which the panels are angled with the slope of the land, might be placed lower than 9 feet and be less obtrusive than the current proposal.

*Richard M. Spitalny, location 9:* A former resident of Middletown Springs, I have owned property in Middletown Springs since 1972, at one time including the land ELF/groSolar has proposed as the installation site of this 500 kW solar electric generation facility. I still own 26.9 acres located approximately 185 feet west of the proposed "Orchard Road Solar Project" where I have a house that I use throughout the year. The house is situated approximately 300 feet, west of the proposed "Orchard Road Solar Project" at 67 Wescott Road.

The proposed site is fully visible from the property and house at 67 Wescott Road for the majority of the year. Even during full foliage, the proposed site is visible. Planting proposed by Applicant to mitigate views from said house and property is grossly insufficient. Further, there is no way to mitigate views of the proposed site when viewed from the roads that crisscross the opposite hillside north of Route 140 due to the extremely high elevation of the proposed site, which in fact is the ridgeline when viewed from roads north of Route 140, and because the proposed solar array would be on land

that gets higher towards the south. The upward slope of the land proposed as the site of the solar array means that most, if not all, of the proposed 2,250 solar panels, each 9 feet tall, would be seen when looking south from roads north of Route 140.

Neil Russell & Tom Russell, locations 2 & 4 respectively: Neil Russell lives at 240 West Street Middletown Springs, VT 05757. Thomas Russell lives at 300 West Street Middletown Springs, VT 05757.

My (Neil Russell) property is directly across Rt. 140 to the Northeast of the proposed site. The Southwestern most corner of my property is a mere 1,500 (approx.) ft from the proposed site of a solar array of 2,250 panels. I purchased the property and moved back to Middletown Springs 4 years ago after 20 years living in other areas of Vermont. One of the main reasons I moved back to Middletown Springs is because of the beauty and rural nature of the town. I grew up in Middletown Springs roaming carefree with my friends in the woods and meadows, hillsides and valleys. The town in general and especially Burnham Hollow is a unique and special place. I have many fond memories here including picking apples in the Orchard. From my property there are many spectacular views of the surrounding hills including the proposed Project site but the best is from my front yard where I look directly Southwest over the roof of their barn and at the apple orchard above, right at the proposed Project site.

I (Tom Russell) moved to Middletown Springs in 1971. I had a close friend who had moved here and my wife and I wanted to get out of New York City. We were only shown a couple properties but the minute we saw this one we fell in love with it. The acreage was adequate, it faced south, had a beautiful barn and historic house although both of them needed considerable work. I am a visual artist and have worked in graphic design for 50 years along with pursuing my own individual art career. In 1971 when we moved here the trees weren't nearly as tall as they are now and we had an incredible view of the entire Orchard. When guests would come to visit I would take them to the highest point of our land in our orchard (which Rocks and Trees, Inc. owns the remainder of). From this vantage point the terrain seemed to almost flatten out and even though there was a river and a road between our property and the Orchard across the street, they seemed almost as one. There is a picture in Vermont Life Magazine taken of our house from right where the proposed site is. There is another picture of our barn and the property of Rocks and Trees, Inc. behind us on the cover of the 2010 Lakes Region Community Phonebook. Solar panels are not part of a rural landscape. They are industrial in design. Instead of adding beauty to nature they detract from it and are a blight on the landscape.

The view from my (Neil Russell) property is simply nothing less than amazing. I am on the North side of Rt. 140 on a gentle sloping hillside facing due south. I am truly blessed to be here enjoying it and many friends come visit my property for because it is a special place for them as well. The nearly 360 degree views from my property range from up close and personal like my view of the Orchard to long distant views of mountains in Tinmouth and beyond. These views are year round. There is no amount of screening that could be placed around this proposed site that would ever even come close to blocking it or even mitigating it partially. That is due in part to the topography of the Orchard and the fact that the site is on a rising hillside facing myself and many, many others. Not only would the residents who enjoy the Orchard's beauty from their own properties be

affected but anyone who travels Rt. 140, North Street (seasonal), Spruce Knob Rd. and other travel ways would have a clear visible view of the panels. This was not included in SE Group's Quechee Analysis.

Julie A. Sperling & Doug K. Freilich, location 3: We own, since 2003, 8 +/- acres and also have a share in an additional 60 +/- acres located to the north side of Route 140 north of the proposed "Orchard Road Solar Project", including acreage that is used as an agricultural field both for haying and planting depending on the year. We are part of a group that maintains the shared property as open land and stewards it as a valuable part of the rural landscape. This property has a full, year-round view of the proposed Project site, thus even during full foliage. The upward slope of the land proposed as the site of the solar array means that most, if not all, of the proposed 2,250 solar panels, each 9 feet tall, would be seen when looking south from our property.



photo location 3

Dan McKeen & Ellen Secord, location 5: We live at 320 West Street in Middletown Springs, on the hillside directly across the road from the proposed solar hillside site. We built our modest home here in 1982, and have since enjoyed the gorgeous orchard view of the proposed site from our living room bay window and front yard.

We contend that this project goes against the tone of our rural small town. The proposed site is a prominent bucolic view from many locations in town. From our home site, it would be a straight line from our living room to the close to 4 acre solar array, and would definitely offend our sensibilities. Additionally, we fear that Orchard Road Solar 1

could expand to Solar 2 and 3 in the future, as the GroSolar application includes 30 acres. This would go beyond offending our sensibilities.

Elizabeth Cooper, location 6: I reside at 49 Rocks and Trees Lane, Middletown Springs, VT and as a member of Rocks and Trees Inc., have shared ownership of a property that adjoins the Orchard Rd. Site on the north side of Route 140 and a 47-acre property that is on the hillside directly north of the Orchard Road site and adjoins 320 West Street. I am involved in land use and management decisions and co-steward the shared property that includes an old apple orchard and agricultural land. Working with farmer partners the property is maintained as open land to keep it as an important and valuable part of the rural landscape. This property has a direct, year-round view of the proposed Site.



photo location 6

The proposed Orchard Rd. Site slopes uphill to the south, requiring solar panels to face uphill and making most, if not all of the framing and industrial infrastructure visible from the Rocks and Trees, Inc. property. This installation would completely disrupt and despoil the aesthetics of the surrounding rural landscape including the Rocks and Trees, Inc. property.

The Project proposal does not consider any views from north of the Site including the Rocks and Trees, Inc. property. Even if there were plans to provide screening to the north, because of the height of land, the hillside view would be impossible to mitigate from the Rocks and Trees, Inc. land.

The solar project would be a devastating disruption and completely out of harmony with the surrounding rural agriculture landscape that Rocks and Trees, Inc.

landowners have done their part to maintain through property management and stewardship.

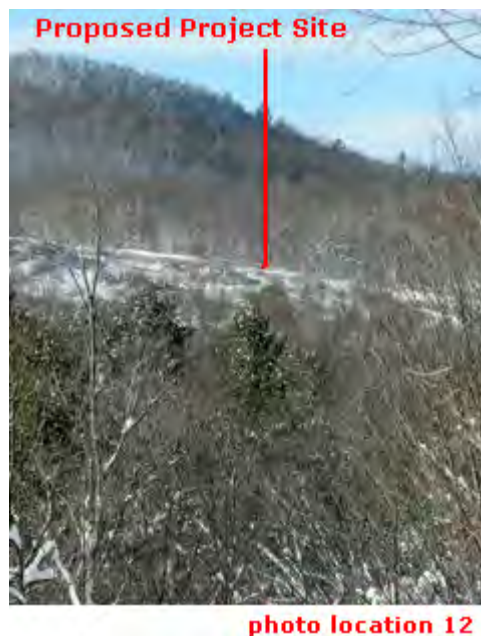


Robert & Karen Galloway, location 8: Our 278 acre property is located at 89 Norton Road, Middletown Springs, Vermont, which is to the north of the proposed solar Project site and across the Poultney River Valley. The Project site would be located on a hillside that is currently a cleared meadow area that squarely faces our home and property. The Project site is the central focus of our viewscape and is integral to the broader Coy Mountain backdrop/panorama. The Project site is in clear view from other locations on our property, including pasturelands and an elevated rock promontory with distant valley views.

The proposed Project site is fully visible from multiple vantage points on our property at all times of the year. Due to the fact that our property is at a higher elevation than the proposed Project site, screening the site with trees or fences would be an exercise in futility, and should be disregarded as a proposed aesthetics mitigation. In fact, lining the edges of the project site with a row of trees or fences would serve only to highlight the perimeter of the proposed Project site. Moreover, because the solar array would be placed on an upward slope of the land, the Project requires higher than normal support systems, and therefore greater visual impact, to achieve the necessary south facing exposure of the panels. In sum, the unique features of this poorly chosen Project site, by their very nature, ensure that the Project cannot, per se, comply with 10 V.S.A. Section

6086(a)(8) which demands no “undue adverse impact on aesthetics or on the scenic or natural beauty of the area.”

Peter & Aileen Stevenson, location 12: We have lived year round at 97 Coy Hill Rd., Middletown Springs, VT about 2500’ from the proposed project for over 30 years and year round in Middletown Springs since 1977. One of the reasons that we made our home here on Coy Hill Rd., aside from being in close proximity to family, was for the beauty and quiet of the rural surroundings for the views of the mountains and orchard and because everyone on Coy Hill Rd through the years has held a fierce desire to maintain the rural character of the area. The Town Plan also backed up this sentiment through surveys of the entire townspeople so we felt comfortable that we would be protected from commercial eyesores that could encroach on those rural aspects of the area. The proposed site of the solar array is clearly in our view-shed, which we have treasured as one of the reasons that we remain in Vermont in retirement rather than moving to a suburban location closer to our children and grandchildren in spite of being heavily taxed in Vermont both on the income and real estate side. We have loved and respected the land and the surrounding wildlife from turkeys, grouse, bears, moose, to name only a few species and all of the “rural life” that is true to Vermont and which fewer and fewer of us have experienced for a lifetime.



Aileen has been associated with Coy Hill since birth in 1945 enjoying summers and then year round residency on an old farmstead and 150 acres just south of the orchard which her parents owned (1941-1986) and conserved and treasured, realizing how important it is to protect the land and legacies of our past. Today the farm, founded in 1785, and all of the other properties, many over 100 acres are still being carefully preserved by other owners, and still retain the same open fields, woods and several pure mountain trout streams which feed into the beautiful gorge just south of the orchard and

subsequently through the orchard and into the Poultney River in Burnham Hollow at Barker's Bridge leading to the orchard.

Middletown Springs, and particularly our area stretching from Coy Hill Rd. through the orchard and beyond is the signature of Vermont, expensively promoted for years by the VT Dept. of Tourism in a magazine that has been read nationwide: VERMONT LIFE. [See Attachment C] We are here because of that “promise” of Vermont and that living in Vermont’s small towns means rural and not commercial. This area, through lots of hard work of the newly operable small farms raising sheep, goats, cattle, chickens and growing organic vegetables thrive in the rural nature of our surroundings and attract other like entities. Commercial solar operations that mar the view, potentially infiltrate the water supplies and change the nature of the rural economy will not enhance the attraction of others to take up the mantle of agriculture in a state that is trying to grow and continue in a way that will not detract from the tourism and small agricultural economy within the state much less in our town.

The proposal of the solar array is a major change to the aesthetics of the area. The solar array would be visible not only to abutters and close neighbors such as ourselves but to many properties extending as far as the East side of the Village over a mile and a half away. The high lands for the proposed site is one of the MOST visible parcels within Middletown Springs from so many vantage points. A commercial solar array at the proposed site would change the aesthetics of a large percentage of the town. The groSolar consultants have overlooked several significant properties in their findings, which will be grossly affected aesthetically, including our property at 97 Coy Hill Rd. The glare issue from the panels and the noise issue have not been addressed for our property and for many others close by. The study for the mitigation proposes screening by existing apple trees many of which are very old and some, which are dying, and it does not address screening the site from the views to the East. The construction phase outline does not address any plantings at all! And, not least of all, the dismantling at the end of the life of the site is not clearly outlined or addressed nor does it have a provision of security that the owner will follow through on the dismantling when the time comes. No monetary provisions are mentioned. Therefore, it is likely that in the future, the Project will drastically impact aesthetics with a decaying and soon to be obsolete array after taking advantage of public incentives, profits and tax deductions and leaves those taxpayers who remain in the area and neighbors looking at a total rape of the land. And, there is no outline for oversight of any mitigation done on the site or of the dismantling process.

Roy Cooper, location 11: The view from the Southeast corner of my property is beautiful. When the leaves are down, I can see Wescott Road and the orchard south of it, right where the panels are proposed. Someday someone may want to build a camp there or a house or enjoy it as it is. This was not included in SE Groups Quechee Analysis. I am also very concerned that the development of this proposed Project will destroy a beautiful landscape that I’ve enjoyed all of my life. I am also concerned because there is a lot of wildlife in the orchard that would be affected like deer and grouse. This Project would hurt my property value and everyone else’s who borders it.

Karen L. Gutmann and Larry L. Springsteen: We own 19+/- acres at 290 West St. located approximately 1,650 feet north of the proposed “Orchard Road Solar Project”

where we have a working dairy farm. Although the house is not currently in the historic register, it was built in the 1800s, as was the post and beam barn and carriage house, and it is eligible to be listed on the Historic Register.



"Orchard View Farm", located at 290 West St., is approximately 1,650 feet north of the Proposed Project Site, which is visible the entire year from this post & beam house, barn and carriage house build in the 1800s, now owned by Karen Gutmann and Larry Springsteen

The proposed Project site is fully visible from our property during the entire year. Even during full foliage, the proposed Project site is visible. Planting proposed by Applicant to mitigate our views is grossly insufficient. Our dairy farm is named "Orchard View Farm" which is in tribute to the beauty of the view that we currently enjoy, and which adds to the value of our property. Because the proposed solar array would be on land that gets higher towards the south, most, if not all, of the proposed 2,250 solar panels, each 9 feet tall, would be seen by us when looking south and west from our property.



View from "Orchard View Farm" at intersection of Vt. Route 140 (also known as West St.) and Orchard Rd. from west side of house at 290 West St. approximately 1,650 feet north of Proposed Project Site.

#### 4. The Project would have an Undue Adverse Impact on the Historic Area

The historic neighborhood of Burnham Hollow (see map excerpted from the map of Middletown in *Beer's Atlas of Rutland County*, 1869) includes the proposed Project site of Orchard Solar I.



Burnham Hollow was settled by John Burnham in 1791, six year after the creation of Middletown in 1784 by an act of the Vermont Legislature. According to Barnes Frisbie's *History of Middletown, Vt.*, 1867, pp 39- 43 Burnam (1742-1829) was "a man of uncommon ability, and of great business capacity", and a lawyer, who famously gained a temporary reprieve and retrial for the New York Grantee and Loyalist David Redding. Burnam was also a millwright, merchant and representative to the legislature (1788, 1795, 1796-99, 1804, 1807, 1810), and was "strongly identified with the growth and prosperity of the town, at that early day". In about 1791 he "made large purchases of real estate in the west part of town. He commenced at once to put up a dwelling house . . . then went extensively into building mills, also in farming, and built several dwelling houses. He built a forge, foundry, grist and saw mills, an oil mill, carding machine mill and clothing works, and a distillery. All of these he put into successful and active operation and carried on here an extensive business until 1811, when his mills were all washed away by the freshet of that year. He afterward rebuilt his forge and saw mill, but he did not do a large amount of business after the disaster in 1811". On the Beer's Atlas map the area is labeled "Burnham Hollow" in a typeface larger than that of the village of

"Middletown". Frisbie says (p.43) "John Burnam had a village of his own in 'Burnham Hollow' . . ."

Among the "several dwelling houses" was likely the farmhouse at 30 Orchard Rd., listed on the State Historic Register (SHR) on May 7, 1980 as #1111-16 Spitalny House ("Barker" on excerpted map above).



View of east side (front) of Historic House at 30 Orchard Rd. located less than 1,000 feet from Proposed Project Site, with views of Proposed Project Site from second floor windows on west side of house (not pictured), contrary to VDHP's July 26, 2016 letter



View of the west side of the historic house at 30 Orchard Road. Note the windows on the second floor, affording a view of the Proposed Project Site.



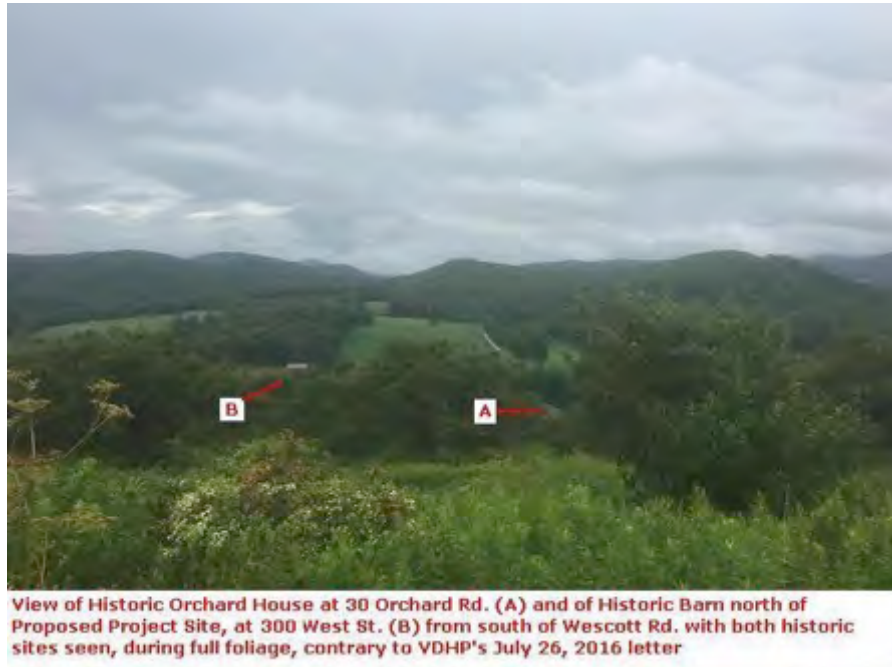
View of north side of Historic Barn at 30 Orchard Rd. located less than 1,000 feet from Proposed Project Site. (Just across the street from Historic House at same address.)

The barn adjacent to the house at 30 Orchard Rd. is also listed on the SHR. The Vermont Division for Historic Preservation (VDHP) letter of July 26 included in the Applicant's petition, concludes that "While there will be no direct effects to any above ground historic sites, there will be possible indirect visual effects for the properties closest to the project site. . . . However, due to the distance, terrain, and the existing intervening vegetation it is VDHP's opinion that there will be limited visual effects on the historic property at 30 Orchard Road."

The VDHP letter considers specifically *only* the house at 30 Orchard Rd. among the State Register of Historic Places listed or eligible structures with views of the proposed site. At least a dozen other such structures are located on Rte. 140 to the north of the proposed project in the neighborhood known historically as Burnham Hollow.



Historic Barn north of Proposed Project Site, at 300 West St. (A) and Historic Barn at 30 Orchard Rd. (B) viewed from south of Wescott Rd. with both historic structures clearly seen contrary to VDHP's July 26, 2016 letter



While no solar panels or other apparatus related to Orchard Solar I yet exist, photographs (see two landscape photos above) taken at ground level in full foliage from near the Project site showing the historic house at 30 Orchard Rd., and an historic barn at 300 West St., suggest that the proposed solar project would be clearly visible from those structures.



Historic house at 300 West St. located less than 2,000 feet north of the Proposed Project Site.

Location # 4

Another early house, believed to be the home of John Burnam, 300 West St., Rte. 140, ("E. Barrett" on map), built about 1791, is listed on the SHR as "2. (Farm) House, c. 1800/c.1830", with barn and several outbuildings.



Historic Barns at 300 West St., located approximately 2,400 feet north of the Proposed Project Site

Location # 4

Photographs taken from near the proposed Orchard Solar I site showing the Burnam barn to the north at 300 West St., suggest that the proposed extensive solar panel array would be clearly visible from the historic barn, and from the historic Burnam house as well when leaves are off intervening trees.



View from atop historic barn at 300 West Street/Route 140 with the historic house at that same address in the foreground, to the left; and, the historic barn in the orchard, at 30 Orchard Road, pictured above it.

Many structures currently standing in the historic Burnham Hollow area date from at least the late 19th Century, and, like the Burnham house, may be much older than they appear, due to later renovation and alteration.



**"Orchard View Farm", located at 290 West St., is approximately 1,650 feet north of the Proposed Project Site, which is visible the entire year from this post & beam house, barn and carriage house build in the 1800s, now owned by Karen Gutmann and Larry Springsteen**

These include; the Farrell/Gutman house, 290 West St., Orchard View Farm, ("Mrs. Taylor on the excerpted historic map); the Wilder house, 260 West St. ("D. Cook" on the historic map); the Cooper house, 327 West St.(not on the map); the Burnham Hollow Orchard tenant house, 307 West St. ("J.&D. Houston on the historic map); the Kimble/Lamson house, 334 West St. ("E. Rudd"on the historic map); as well several other barns and other outbuildings, including the Fenton Potato barn, 333 West St.(not shown on the historic map but opposite E. Rudd).

All of these structures are either listed or eligible for listing on the State Historic Register. It could be argued that Burnham Hollow is itself eligible as a Historic District.

Burnham Hollow Neighbors disagree with the opinion of VDHP concerning the effect of the project on their viewscape that currently includes few structures less than 100 years old. Most significantly, in addition to the direct visibility of the project from many of these structures, the insertion of an industrial development such as this solar array would change the entire character of the area and diminish its historic value.

An August 2016 Aesthetic Analysis by Michael Lawrence, Landscape Architect, commissioned by Burnham Hollow residents and others, agrees with the developer's aesthetics consultant's first conclusion that "the Project does create an adverse aesthetic impact on the visual resources" but disagrees with their second conclusion, "that the Project's visual impact will *not* be unduly adverse." Neighbors further make the case that the Project will have an undue adverse impact on the historic resources of the area.

#### **5. Noise from the Project Would Create an Undue Adverse Effect Under 30 V.S.A. §248(b)(5) and 10 V.S.A. §6086(a)(8)**

Noise is considered an aesthetic issue under 30 V.S.A. § 248(b)(5) and 10 V.S.A. § 6086(a)(8). The Project will unduly interfere with some residents' ability to enjoy their homes and property. The transformers and other equipment specified in Applicant's plans as described by Seth Goddard would generate noise during the day at a decibel level that could be heard from some neighboring properties, disrupting owners' ability to enjoy their property in its natural state as remote, rural locations. The Project's installation plans are clearly contrary to maintaining the current aural qualities of the property which are very low decibel levels consistent with rural Vermont. The noise must be evaluated in the context of the extremely quiet rural area that now exists with nothing else emitting the type and frequency of the noise that would result from the Project.

This Project would emit frequencies that could interfere with at least one property owner's residential electronic equipment as the facility will only be 50 feet from their property line. The Applicant has failed to adequately assess the potential impacts for the closest adjoiner's property. The Project would also create a continuous noise during certain times of day and for periods of time which is not congruent with a person's quality of life. Observational and experimental studies have shown that even low level noise exposure leads to annoyance, disturbs sleep and causes daytime sleepiness, affects patient outcomes and staff performance in hospitals, increases the occurrence of hypertension and cardiovascular disease, and impairs cognitive performance in schoolchildren. Experts stress the importance of adequate noise prevention and mitigation strategies for public health. The Applicant has failed to adequately consider the interests of the Fitzpatrick's property immediately to the west adjoining the Project site in its evaluation of the noise impacts.

#### **6. Wildlife**

Contrary to 30 V.S.A. § 248(b)(5) and 10 V.S.A. § 6086(a)(8) the Project will unduly interfere with the protection of habitat for Woodcock, White-tailed deer and Black Bear. The Project installation of a fence around approximately 4 acres, as well as the mowing of the area comprising the solar array, will eliminate important habitat for Woodcock as well as limit feeding and wintering fields for deer and disrupt range area for black bear.

As reported by neighboring property owners there are frequent sightings of deer feeding in the proposed project area at all times of the year, and signs and sightings of use of the area for shelter and bedding down in winter. When walking in the area in the summer months, neighbors have flushed woodcocks and male woodcocks are heard and seen in courtship in the area in spring. Residents living on Coy Hill Road within sight of the Project Site have taken photos of Black Bears coming right up to their windows, indicating that the Site is within the bears' habitat range.

### Woodcock Habitat

Of particular concern at the Site is the disruption of Woodcock habitat.

*The American woodcock has specific habitat requirements, and the population is limited by the availability of these habitats.*

*The ideal habitat for the woodcock consists of two distinct types of cover: forests with moist soils are used for nesting, brood rearing, and feeding, and abandoned fields and forests openings, referred to as "singing grounds" are used for roosting and courtship rituals.*

<http://www.vtfishandwildlife.com/cms/One.aspx?portalId=73163&pageId=145241>

American Woodcock is listed on Vermont's list of Species of Greatest Conservation Need indicating that habitat conservation is a significant concern.

<http://www.vtfishandwildlife.com/common/pages/DisplayFile.aspx?itemId=111421>

An excerpt from Northern Woodlands magazine confirms the concern for Woodcock habitat loss on the Project site.

*Data derived from these two sources suggest that the woodcock population has fallen range wide by 1.1 percent each year over the last four decades. Most authorities believe that it is not hunting but an ongoing loss of habitat that has caused this drastic decline. Roads, houses, and shopping malls have destroyed hundreds of thousands of acres once used by woodcock.*

<http://northernwoodlands.org/articles/article/woods-for-the-woodcock>

### Black Bear Habitat

As recorded by nearby neighbors, black bears at least move through the area of the Project Site. The surrounding landscape and forest type, proximity to wetlands, variation in terrain and proximity to water supplies and food resources fit the parameters of "best habitat" for black bears.

*The best habitat for black bears in Vermont is a mixture of coniferous trees, hardwoods, wetlands, and variation in terrain. Because they need dense cover to escape danger, the wary and elusive black bears prefer rough and wooded*

*habitats. The habitat should also have a good water supply nearby.*

*...no single food source is available in such abundance that bears can concentrate on only one item.*

*As summer progresses, raspberries, blueberries, and blackberries ripen. If these crops are abundant, bears immerse themselves in a concentrated food source with high sugar content.*

*By late August, bears seek foods with the highest nutritional value. In an effort to store as much energy as possible, they will eat up to 24 hours a day. If beechnuts and acorns are plentiful, bears will move into productive beech and oak stands and consume high quantities of the nuts. Bears may travel many miles to reach fall food supplies and will continue to forage for beechnuts for several weeks.*

*Other fall foods include cherries, apples, succulent plants, and berries.*

<http://www.vtfishandwildlife.com/cms/One.aspx?portalId=73163&pageId=145282>

### Noise Pollution and Wildlife

The noise pollution from the Project, whether intentional or not, has the ability to alter the acoustic environment of animal habitats. This can have a dramatic effect on the animals that live in them, perhaps even driving evolutionary change as species adapt to or avoid noisy environments. Studies have shown that bird diversity and abundance has declined as a result of chronic noise levels. A number of species have demonstrated adjustments to their vocal behavior in an attempt to adapt to the noise pollution created in their previous natural environment. Some birds are able to raise the frequency of their calls to reduce acoustical masking by low-frequency noise. Other birds will adjust the timing of their singing to compensate for acoustic pollution. They began to sing at night when it is quieter, rather than only during the daytime, when noise pollution was at a peak. If birds need to sing at night rather than sleep, it can begin to alter behavioral patterns.

### **7. Impact on the Middletown Springs Grand List**

The proposed Orchard Road Solar I Project, Middletown Springs, VT will have a negative impact the Town on Middletown Springs Grand List in several ways. It is important to note that in a little town such as Middletown Springs, any reduction in property values has a big impact on the Grand List.<sup>9</sup>

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<sup>9</sup> It should be noted here that even small amounts of loss to the Grand List in Middletown Springs is considered to be significant. For example, the Select Board and the Building Committee declined to use an existing privately-owned house on South Street as a Town Office because of the loss of taxes that would result if that property were taken off the tax rolls.

Aileen Stevenson is a former realtor for 17 years with Josiah Allen Real Estate in Dorset, Vermont. Having sold many properties in Middletown Springs, including the land owned by the Fitzpatrick's that is adjacent to the proposed solar array, her professional opinion about the impact on the Middletown Springs Grand List is as follows

1. As of now, any properties in the proximity or in the view-scape of the proposed Project that are listed for sale by a licensed real estate agent in the State of Vermont will be required to disclose the fact that there is a proposed solar project in the works. Failure to do so could result in a fine to the agent for failure to present information that could affect the listed property, a possible lawsuit and or the loss of sale agreed upon by both parties should the property go under contract. Many prospective buyers would consider the proposed Project as an adverse effect to the property due to impairment of view and or of the rural nature of the surroundings. This can have multiple effects including a slower turnover of properties, the possibility of properties left empty by owners who have moved who have left properties to deteriorate and or of becoming bank owned property that often deteriorate or eventually sell for lesser value which in turn, when re-assessed can result in a lower property value than pre-proposed site and, therefore, in a reduction on the Grand List. If the site is installed, the loss to the Grand List will impact in some of the same ways but also in several other ways:
2. There are two roads in town that are taxed at a higher rate based on view-sheds and the rural and unspoiled nature of those roads. Coy Hill Rd. is one of those and there are at least two properties from which this project will be viewed and others which will feel the impact of a built-out site which can result in a grievance by the landowners to reduce the higher assessment if the Project is installed.
3. If the Project is built, any individual property owners within the view-shed or within earshot of the orchard could ask for a reduction on assessments which will in turn lower the Grand List. This includes quite a large number of landowners. In fact, the argument could be made that anyone in town might bring this to grievance based on the negative impact on the character of the town resulting in lesser values.
4. The town, as a whole, would suffer in a way that would most likely be based on the perception that Middletown Springs has been unable to retain the rural character of the town, that projects such as these are put in place without regard for the rural character of the town which will have a net result of prices going even lower than they have been since the market crashed in 2008. Those lower prices will result in a lower Grand List.

#### **8. The Project is not consistent with Net Metering Criteria**

Vermont law defines net metering as measuring the difference between the electricity supplied to a customer and the electricity fed back by a net metering system (which is a small generating system that meets certain specified criteria) during the customer's billing period. The law also allows for "group" net metering in which a group of customers, or a single customer with multiple electric meters, located within the same electric utility service territory, choose to combine meters in order to offset that billing against a net

metered system. In practice, net metering allows the owners of certain small electric generating systems to receive credit for the electricity produced by those systems, above what the owners consume on the premises.

<http://psb.vermont.gov/utilityindustries/electric/backgroundinfo/netmetering>

The Orchard Road Solar I Project is proposed as a 500kW ‘net metering project’. With reference to the above definition taken from the Board website, it does not seem that this Project fits the definition or the specified criteria for a net metering facility. The electricity produced by the Orchard Road Solar I plant would be supplied to a “group” including Goddard College in Plainfield, Vermont and other yet to be named customers. Though they are located within the same electric utility service territory, the “group” of customers would be some distance away from the plant in a different part of the state, two counties away and not contiguous to the host Rutland County. Quoting the last sentence of the definition, “In practice, net metering allows the owners of certain small electric generating systems to receive credit for the electricity produced by those systems, above what the owners consume on the premises. The ‘owners’ of this proposed Project, EDF groSolar, would not directly receive credit for the electricity produced by the systems, nor will any of it be consumed on the premises. This Project is being proposed to be built so far from load that it does not meet the criteria for net metering.

#### **9. No Decommissioning Plan**

Although the Applicant has stated that the land would be returned to its original state if the project were decommissioned after its expected life span, no such plan has been made public. Landowner Dan Querrey has said there is a decommissioning requirement in the lease, but Commenters have no access to that. The Neighbors request that the Board require the Applicant to produce that portion of the lease to assure the Project would be decommissioned as claimed

#### **10. The Project Appears to Include Expansion Plans – Project Parcel is 30 acres but Project Site is described as only five acres.**

This Application was filed by "Orchard Road Solar I, LLC". The reference to 'Solar I', implies the possibility of 'Solar 2'. Also, Context/Viewshed Plan|Figure 1 and Site Plan|Figure 2, both created on July 1, 2016, (see Exhibit ORS-MK-2) identify the ‘Project Parcel’ (outlined in yellow) as encompassing approximately 30 acres +/- . Likewise, the Site Plan, drawing C-100 dated July 13, 2016 (see Exhibit ORS-RV-2) identifies the ‘Project Property Line’ as encompassing the same, approximately 30 acres +/- . However, the Application otherwise throughout indicates the project will be (only) 5 acres.

The 30 acre +/- Project Parcel and Project Property Line would seem to actually indicate Applicant's real plans are for an installation much larger than 500 kW. This would not be the first time a developer tried to avoid the more rigorous requirements of a larger installation by initially seeking a Certificate of Public Good for a 500kW site only to end up installing a 1MW, or larger, facility.

These drawings, and others, provided by Applicant clearly indicate the setback on the Eastern border along Orchard Road as 100 feet. However, this particular setback line is hundreds of feet to the east of the few acres identified for the solar array, identified as a green rectangle. This is yet another indication that the intended Project size is the full 30 acres and not just 5 acres.

In Mitigation Planting Plan | Figure 10 of Exhibit ORS-MK-2 Applicant indicates that at least 15 new trees will be planted on land that is outside the 5 acres indicated as the proposed Project site; but, rather on land within the 30 acre +/- identified as the Project Parcel (outlined in yellow). This indicates that the lease granted to Applicant by the property owners includes more than 5 acres; otherwise, Applicant's Mitigation Plan requires planting of more than a dozen new trees on private property not within the proposed Project site.

In an email dated April 5, 2016, when asked about the discrepancy between the 5 acres indicated as the proposed Project site and the 30 acres +/- , outlined in yellow, indicated as the Project Parcel in Applicant's March 30, 2016 45-Day Notice Letter of petition to be filed under Section 248 with the Board, Peter Bay, Project Developer for Applicant wrote:

In regard to the Attachment A<sup>10</sup> map, you are correct that the yellow outlined portion is larger than 5 acres. The entire property parcel is larger than just the yellow outline and includes approximately 126 total acres - we are only anticipating usage of approximately 5 acres of land, outlined in black as you had indicated. Although, our current site layout (approximately the area of the black outline that you mentioned) only incorporates usage of 3.74 acres of land. **At the moment, we have an irrevocable Option to Lease the site with the property owner for the project area.** *[emphasis added]*

The reference to an "irrevocable Option to Lease the site with the property owner for the project area" clearly indicates Applicant's ability, and desire, to create a much larger installation. Therefore, if it has not already, in order to discover Applicant's true intentions, we request that the Board please require Applicant to provide the Board with a copy of Applicant's lease with the land owners, Daniel and Judith Querrey.

In an email dated May 13, 2016, when asked about the lack of a decommissioning plan in the March 30<sup>th</sup> and May 11<sup>th</sup> 45-Day Notice letters referenced above, Dan Querrey, one of the owners of the property being leased to Applicant wrote:

*GroSolar is responsible for complete decommissioning the complete project including planting trees.*

*The 10 acres that GroSolar is planning on using are being leased for \$20,000.00 per year plus percentage of electricity generated. If both 5 year extensions on the lease are used the 10 acres will generate over \$800,000.00 to my wife and I or our kids when we pass.*

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<sup>10</sup>Attachment A of both the March 30<sup>th</sup> 2016 and May 11, 2016 45-Day Notice Letters is currently Context/Viewshed Plan|Figure 1 of groSolar's July 15, 2016 Application.

*I hope this information answers your questions.  
Dan*

If the Project is only for five acres, as Applicant asserts, why the reference by Mr. Querrey to ten acres?

Neighbors seek finality with this Project. Applicant has clearly said in writing and in public that the Project is 500 kW. Neighbors request that, if permitted, that EDF groSolar and no other party to which the Project may be sold in the future can expand. If a CPG is granted for the 500 kW project, the Neighbors request that the Board limit development at the site to this one Project.

#### **D. CONCLUSION**

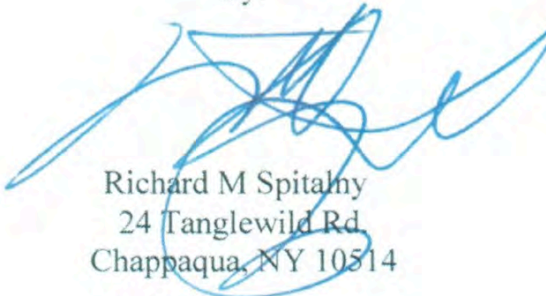
It is clear from our comprehensive analysis that the proposed Project is poorly sited and being rushed with unclear objectives and if allowed will have a devastating and long lasting negative impact on the residents and landscape of Middletown Springs. The population growth of Middletown Springs is stagnant as well as that of Vermont. As the population of the nation increases and efforts to control global warming are ramped up there is more and more pressure to get projects on line as fast as possible. Net metering is meant to help deliver the energy required by citizens of Vermont. It is not to meant to exploit our resources and export the energy and credits (money) out of it while leaving the residents staring in disbelief at their now despoiled "scenic view".

Neighbors have documented throughout this Comment Letter numerous reasons why the proposed Project should not be approved, and we request that the Board not grant Applicant a Certificate of public Good for the proposed Project. We note that there are numerous other, well conceived solar projects, waiting for approval that are true net-metering installations with Renewable Energy Credits that will be retired in the State of Vermont that will benefit their local communities without unduly interfering with orderly development of those regions or with the potential to contaminate surface water and groundwater, and without ruining the lovely rural Vermont countryside cherished by residents and visitors alike.

If the Board determines that despite the failure of the Applicant to prove that it complies with many of the applicable criteria the Board will not at this point deny a CPG for this Project, Neighbors have documented that there are numerous issues that require a hearing. The goal of the hearing is so the Board can get a realistic picture of this proposed Project and all the negative impacts it would have under the applicable criteria of 30 V.S.A. § 248.

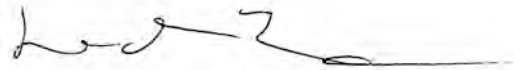
Dated this 6th day of September, 2016,

By:

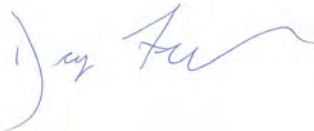


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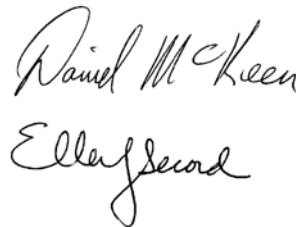
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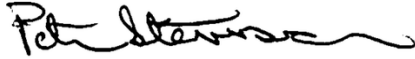
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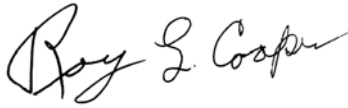
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[Microy2014@yahoo.com](mailto:Microy2014@yahoo.com)



Elizabeth W. Cooper  
49 Rocks and Trees Lane, PO Box 1011  
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802-235-1406  
[ecolanduse@vermontel.net](mailto:ecolanduse@vermontel.net)



Ted W Fitzpatrick  
  
Dina J Fitzpatrick  
12525 Jot Em Down Lane  
Odessa, FL 33556  
813-920-6880  
[Dfitz225@verizon.net](mailto:Dfitz225@verizon.net)

**From:** Dan Querrey <dan@querreyinc.com>  
**Sent:** Friday, August 26, 2016 11:18 AM  
**To:** Richard Spitalny  
**Cc:** Peter Bay; vwestgate@dunkielsaunders.com; Geoff Hand  
**Subject:** Re: Request For Permission To Test Soil In The Proposed Project Site In The Orchard: 8.16.16

As of now it is the belief of the consultant that testing is not necessary. If testing is deemed necessary we will perform the test. You or no one has permission to perform testing on my property. At this time I would appreciate you staying off my property.

Dan

On Aug 17, 2016 3:02 PM, "Richard Spitalny" <[rspitalny@hotmail.com](mailto:rspitalny@hotmail.com)> wrote:

Hello Dan,

As you can read below, I have just been advised by Ms. Westgate, from Dunkiel Saunders Elliott Raubvogel & Hand PLLC, that they do not feel that they can grant permission to conduct soil testing in the areas groSolar proposes to disturb as indicated in groSolar's pending application with the Vermont Public Service Board for the solar project under consideration in Middletown Springs.

Rather, they suggest that permission is needed from you and Judy as the landowners. Thus, this email to you requesting that permission.

Due to the Public Service Board deadlines in place time is of the essence. Therefore your prompt, written reply, is necessary, anticipated; and, greatly appreciated. Thank you very much.

Best regards,

Richard

---

**From:** Victoria Westgate <[vwestgate@dunkielsaunders.com](mailto:vwestgate@dunkielsaunders.com)>  
**Sent:** Wednesday, August 17, 2016 2:09 PM  
**To:** Richard Spitalny  
**Cc:** Geoff Hand  
**Subject:** RE: Second Request For Permission To Test Soil re: Orchard Road Solar I, LLC Application : 8.16.16

Dear Mr. Spitalny,

Thank you for your email. We are not able to give you permission to conduct any soil testing on the Project site as you would need permission from the landowner to take any such action. We also note that we do not believe such testing is necessary or appropriate for the Board's evaluation of the proposed Project under Sections 219a and 248.

Thank you,  
 Victoria

**Victoria M. Westgate, Esq.**  
 Dunkiel Saunders Elliott Raubvogel & Hand PLLC  
 [\(802\) 860-1003 x 111](tel:(802)860-1003)

**From:** Richard Spitalny [mailto:[rspitalny@hotmail.com](mailto:rspitalny@hotmail.com)]  
**Sent:** Tuesday, August 16, 2016 2:59 PM  
**To:** Geoff Hand <[ghand@dunkielsaunders.com](mailto:ghand@dunkielsaunders.com)>

**Cc:** Victoria Westgate <[vwestgate@dunkielsaunders.com](mailto:vwestgate@dunkielsaunders.com)>

**Subject:** Second Request For Permission To Test Soil re: Orchard Road Solar I, LLC Application : 8.16.16

Dear Mr. Hand, Esq. and Ms. Victoria Westgate, Esq.,

I'm writing, a second time, seeking permission to conduct soil testing in the areas groSolar proposes to disturb as indicated in groSolar's pending application with the Vermont Public Service Board for the solar project under consideration in Middletown Springs.

As part of an apple orchard, poison corn, insecticides and pesticides were used in the location of the proposed Project site, giving rise to grave health and water pollution concerns regarding the disturbance of the soil contemplated during installation of the proposed solar Project.

Due to the Public Service Board deadlines in place, as you know, time is of the essence.

Therefore your prompt, written reply, is necessary, anticipated; and, greatly appreciated.

Thank you very much,

Richard

---

Richard M. Spitalny

67 Wescott Road

Middletown Springs, VT 05757

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**From:** Richard Spitalny <[rspitalny@hotmail.com](mailto:rspitalny@hotmail.com)>

**Sent:** Friday, August 12, 2016 10:32 AM

**To:** Geoff Hand

**Cc:** Victoria Westgate

**Subject:** Request For Permission To Test Soil re: Orchard Road Solar I, LLC Application : 8.12.16

Dear Mr. Hand, Esq. and Ms. Victoria Westgate, Esq.,

I'm writing seeking permission to conduct soil testing in the areas groSolar proposes to disturb as indicated in groSolar's pending application with the Vermont Public Service Board for the solar project under consideration in Middletown Springs.

I look forward to your reply.

Thank you very much,

Richard

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Richard M. Spitalny

67 Wescott Road

Middletown Springs, VT 05757

## BURNHAM HOLLOW ORCHARDS

Original farm site - 1796 (John Burnham).

Orchard established 1917 by Henry Buxton - Just-A-Mere Farm.

Orchard sold to Allen family 1934 - Allen Orchards

Parts of orchard re-planted 1935-1938

Sold to Spitalny family 1970

Sold to Hall family 1979

Hall  
Our family purchased this farm in February 1979. We had made the decision to leave the high pressure world of business and congested cities to give us and our children a chance to live in a nicer atmosphere where the quality of daily life was more important than cocktail parties and urban sprawl. Soon afterwards we knew it was the right choice and now eleven years later, we need only to hear from our children as proof. There was a lot of hard work, struggles with Mother Nature and problems that only farmers would understand, but the results are in and they are good.

During our first year of operation, it became apparent that everything in the orchard needed replacement or revitalization. The house was completely renovated from top to bottom and every effort was made to restore it to its original style. The most accurate description is "rural extended I house with gabled wing and porches". In simple terms, it is a Victorian Farm House, with roots dating back to 1796. The farm was completely re-fitted with new equipment, including tractors, mowers, harvest equipment, field implements and a lot of operating and harvest equipment. All of the trees were pruned heavily and fertilized. A strict spraying schedule was instituted.

After the first two years we decided that our best approach was to reduce our reliance on the wholesale apple market (apple pack-outs to chain stores) and concentrate on retail sales, pick-your-own, as well as local distribution apples and cider. To that end, we built an apple cold storage room in the barn, a state-of-the-art cider mill and an apple packing/grading shed. We are now able to keep our apples through January and produce cider from September through May.

As cider sales increased we established a wholesale cider delivery route, selling to local stores, dairies and stands.

The pick-your-own business started slowly as we faced competition from five well established orchards serving this area for generations. We planned an aggressive marketing campaign concentrating on the pleasures and fun of picking and added features to our pick-your-own operation such as horse drawn hay rides, free cider and customer oriented personnel. In a short time, our pick-your-own became popular and successful as local people passed the word that Burnham Hollow was "the place to go". At present, four of the major pick-your-own orchards in our area have gone out of business, leaving one locally and another a considerable distance away.

In order to capitalize on the pick-your-own traffic we also established a farm store in the large barn. It is well stocked with apples, cider, pumpkins, squash, Vermont cheese, maple syrup and many Vermont food products, including our popular fudge. There is room for a great deal of expansion of the product line and this is an avenue of considerable opportunity.

After traveling 50+ miles to pick our own blueberries, we decided that Burnham Hollow should start a similar operation. So

far 700 plants (one acre) have been established. At least three more acres are planned. There is a substantial retail and wholesale market for the fruit as well as pick-your-own. The blueberry season begins in mid-July ending mid-August.

The near future of Burnham Hollow is based on a minimum of work and headaches for maximum revenue to permit the owners to maintain the integrity of the farm without the onerous duties and time demands of a large scale operation. One employee can manage the new orchard from May to September. During harvest, local experienced people can take over leaving a minimum of involvement for the owner. After clean-up in late October, virtually nothing has to be done for the remaining 6 months of the crop year.

There is, however, no end of opportunities for the enterprising person who wants to enlarge the structure and operations of the farm. And there is one major advantage that exists, the good name and wonderful reputation of Burnham Hollow Orchards.

**Affidavit of Richard M. Spitalny**

STATE OF NEW YORK  
COUNTY OF WESTCHESTER

The undersigned, RICHARD M. SPITALNY, being duly sworn, hereby deposes and says:

1. I am over the age of 18 and am a resident of the State of New York. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.
2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.
3. I am a former owner of the apple orchard in Middletown Springs, VT. I have personal knowledge that for the years between 1972 and 1979 poison corn was used to kill mice and that various insecticides and pesticides were used. William Hoadley, the person who managed the orchard for the Allens for many decades until I bought it told me that poison corn; various insecticides; and, pesticides had been used during his tenure.

Executed this 3<sup>RD</sup> day of August, 2016.

Richard M. Spitalny

**NOTARY ACKNOWLEDGEMENT**

Sworn to before me this 3 day of August, 2016.

**BARBARA A. GUATT**  
Notary Public, State of New York  
No. 01CU5025253  
Qualified in Westchester County  
Commission Expires 3/21/18

Barbara A. Guatt  
Notary Public

My commission expires 03/21/2018

Letter Describing Preliminary Aesthetic Analysis for a proposed 500 KW Solar Electric Array  
In Middletown Springs, Vermont



**View from proposed solar array site looking north at intact scenic rural hillside  
meadow landscape defining north side of Poultney River Valley**

photo location 1

## INVITATION TO REVIEW PROJECT

On July 22nd of this year I received a phone call from Richard Spitalny, a homeowner in Middletown Springs, Vermont. He told me that he and a group of nearby neighbors were worried about the visual impact of a recently proposed solar array project on their neighborhood. He explained that the project is sited on a hillside in a scenic agricultural valley between Middletown Springs and East Poultney. Mr. Spitalny asked if I'd be willing to evaluate the information that the project developer had submitted to the Vermont Public Service Board and visit the site to determine if I thought the citizens' concerns were valid.

I agreed to take a look. I received and reviewed the developer's aesthetic assessment report including several graphic exhibits prepared by SE Group. I noted that the applicant's consultant concluded that the Project *will* have an adverse effect on the scenic or natural beauty of the area but *will not* cause an *undue* adverse impact on that scenic beauty.

I visited the site, made notes and recorded my observations on Wednesday, July 27<sup>th</sup>.



Proposed project site looking south from hillside residence

photo location 8

## CONFIRMATION SITE VISIT

In Middletown Springs I observed firsthand the project site, its setting, the scenic qualities and character of both the immediate and greater landscape. I looked carefully at the project site along the local narrow country roads and the VT Route 140 public corridor.

My site visit validated for me Mr. Spitalny's description of the beauty of the area. And after studying the description of the project in the SE Group report, its siting, scale and materials, and agreeing with their conclusion "*that the Project site is scenic*" and "*the Project does create an adverse aesthetic impact on the visual resources.*", I sympathized with the concerns of the Middletown Springs' citizens.

I agreed to take the initial steps to evaluate the project using the Quechee analysis

While the SE Group report mentions the series of south-facing hillside meadows across the valley north of the project site and the two residential properties immediately to its west, they provide little documentation backing up their claim of minimal visual impact.

From my site visit it's apparent that the project will be clearly visible from those two general areas.

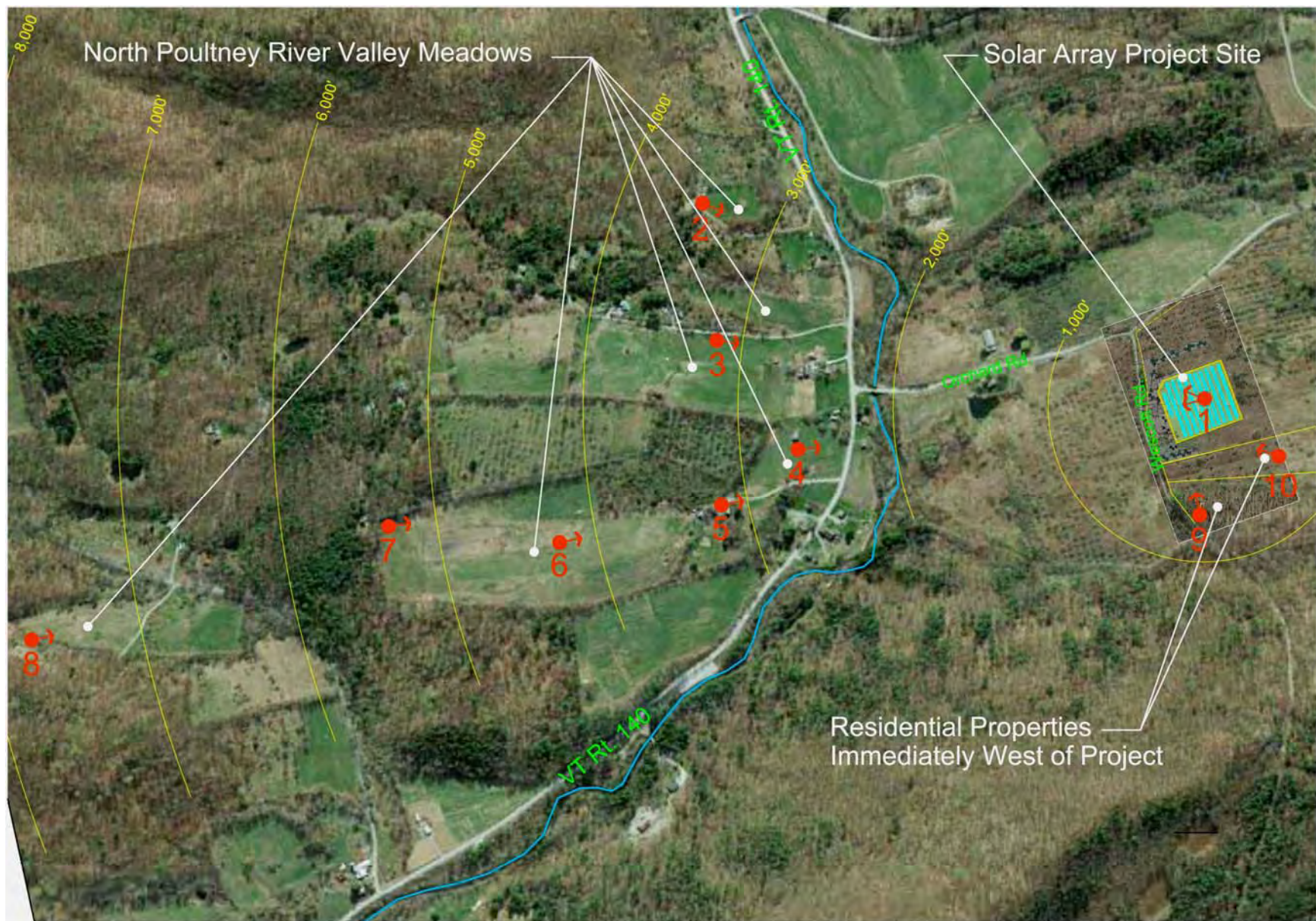


**Looking west to proposed solar project site  
from VT Rt. 140— 1.1 miles away**

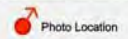
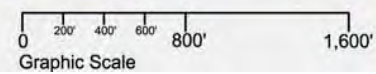
The project will cause severe visual impact on the natural beauty of the area as it exists today for anyone living near and working or recreating in the hillside meadows to the north and on the two properties to its immediate west.

So, while I agree with SE Group's adverse aesthetic impact assessment, I disagree with their second conclusion, "that the Project's visual impact will *not* be unduly adverse.

Photographs included in this report illustrate those points. All but those on pages 13 & 14 are mine.



Visual Analysis for Solar Project Middletown Springs, Vermont  
 Plan Showing Scale and Relationship of Array to South Facing Hillside Meadows North of Poultney River

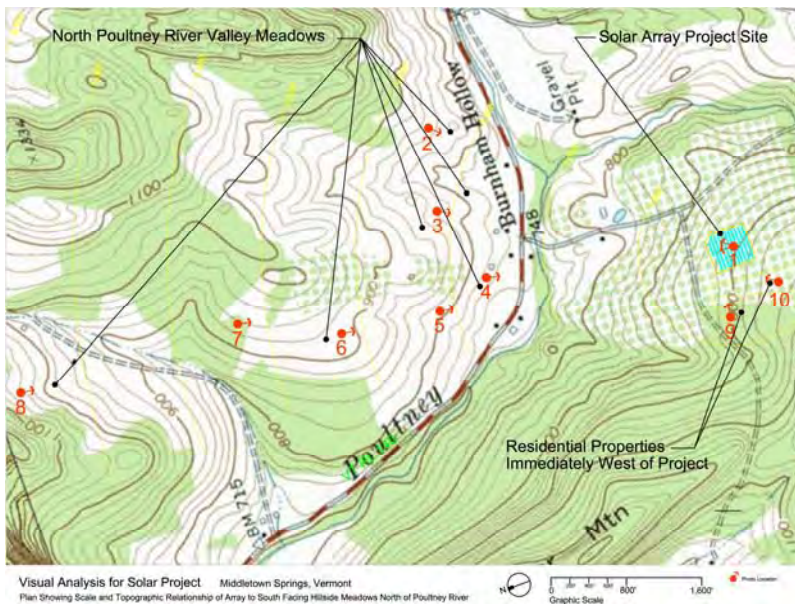




Site of proposed solar project from one of the northern valley meadows—distance approx. 0.8 mile  
photo location 6

## NORTHERN VALLEY MEADOWS

While the meadows north of the Poultney River and VT Route 140 range in distance from 0.5 mile to almost 1.5 miles from the project site, they are high enough to easily see over the treetops in the intervening valley to the proposed site. Topography drops 200-300 ft. from the meadows, crosses the Poultney River, then rises for 200-300 ft. This geography creates visual depth, a wonderful sense of closeness and side-to-side intimacy in this valley landscape.



The SE Group neither conducted a detailed analysis of the outstanding panoramic views from these hillside meadows, nor described the distinct visibility of the proposed project and the degree it would disturb these pastoral, uncluttered views.

My evaluation of the degree of landscape contrast, spatial quality, order & harmony and focal points and dominance that is present as seen from the open lands north of the Poultney River clearly fulfills the criterion to earn the landscape a status of *“highly scenic”*.

The SE Group report reviewing the area’s existing context and character doesn’t mention that there’s nothing similar to the proposed project’s scale, form or style anywhere in the nearby area.

The report also glosses over serious Quechee questions, *“What is the project’s impact on open space?”* and *“Does the project threaten a resource of scenic significance?”*

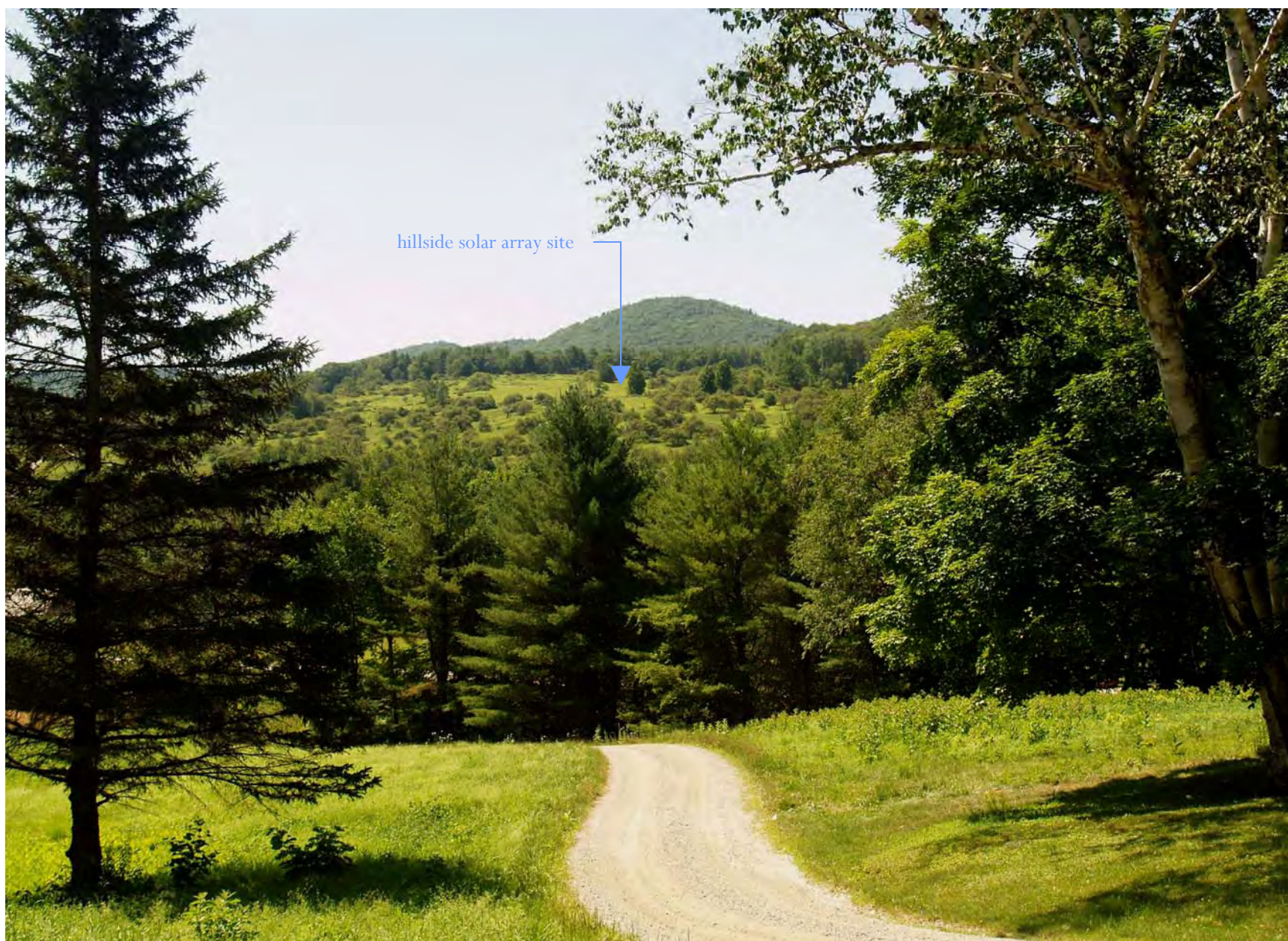
The proposed project’s size (over 4 acres) placed on this highly visible hillside site leads me to conclude that the project would impose on the area’s open space. It would attract an undue amount attention to itself from many places in the northern meadows, clearly contrast and stand out in this natural setting and dramatically change the perception of the beautiful rural Vermont vista. It would be offensive to the average person.

The SE Group failed to provide photosimulation images of the proposed project. That imagery would help the average person to get a better idea of its size and scale in the context of the existing open hillside space.



Site of proposed solar project from one of the northern valley meadows—distance approx. 0.5 mile

photo location 4



Site of proposed solar project from one of the northern valley meadows—distance approx. 0.6 mile

photo location 5



Site of proposed solar project from one of the northern valley meadows—distance approx. 1 mile  
photo location 7



Site of proposed solar project from one of the northern valley meadows—distance approx. 0.6 mile

photo location 2



Site of proposed solar project from one of the northern valley meadows—distance approx. 0.6 mile



Site of proposed solar project from one of the northern valley meadows and residence—distance approx. 1.5 mile



**Panorama of Northern Valley including Spaulding Hill and Spruce Nob from  
residential property immediately west of proposed solar site**

**photo location 10**

## RESIDENTIAL NEIGHBORS TO WEST



View from Neighborhood Residence to the West

photo location 9

The proposed project would also impose a significant impact on its closest neighbors to the west.

The first neighbor borders the proposed project site's western property line. This land has stunning views to both the north and the east. While no structure presently exists on the property, the installation of the proposed project would severely burden or eliminate those panoramic, nearby valley/distant mountain views.

The second neighbor has a modest home situated roughly 300 ft. from the proposed project site in a predominantly deciduous woodland. Both its primary interior living spaces as well as outdoor deck face northeastward.

While the existing woods limit distant views in the summertime, during fall, winter and early spring when the trees are bare, house residents enjoy a northeast-east, miles-long Plum Hill-Barber and Morgan Mountain ridgeline vista through the vertical forms of maple and birch trunks.

The proposed project (introducing over 2,000, nine-foot high solar panels spanning 400 ft. north-south) would blemish the view's presently open middleground. The array would dramatically distract viewer's attention away from the mountain vista and cancel the enjoyment the home's residents have today. The change would rise to the level of "*offending the sensibilities of the average person*" and thus meet Queechee's "*unduly adverse*" standard.

It would have been helpful if the proposed project's developer had provided photosimulations from two or three locations on these two western properties where he/she determined the visual impact to be greatest.

In reviewing the mitigation plan the symbols representing new trees appear significantly larger in scale than the trees will be at planting. Photosimulations showing tree scale at the time of planting, then five or so years later, would help evaluators better understand the realistic impact of proposed landscaping.

## PHOTOGRAPHY APPROACH

It is challenging to convey the reality of being in the landscape through photos which can only approximate “being there”. It’s important to remember that we humans see in stereoscopic, 3-dimensional depth with eyes that are far more sensitive to color and detail and have much greater ability to adjust to light and shadow than photo cameras. And our other senses (the smell of rain, sound of the breeze, the warmth of the sunshine) inform reality even more powerfully. The most effective way to evaluate the landscape is to visit. Visit, look, feel, and look some more.

Aware that the camera can only approximate reality, it’s important that photographs intended to convey the quality of the landscape are prepared and presented to faithfully replicate true landscape scale.

All of the 7X9 inch photos presented in this report except on page 12 were taken with an Olympus E-500 digital camera with a Zuiko 14-45mm. zoom lens set at 25mm. This is the equivalent of a 35mm full frame film camera’s 55mm setting, the focal length generally recognized as the normal human eye’s comfortable area of vision and focus. Enlarging the images to 11x17 inches and viewing them at a distance of 24 inches, or enlarging them to 7x9 inches and viewing them at 12 inches will accurately represent the true landscape scale.



Hillside driveway in alignment with proposed project  
photo location 5



**Michael Lawrence Associates PLC**  
Landscape Architects / Site Planning Consultants

Michael Charles Lawrence ASLA

Highly motivated design professional practicing the discipline of landscape architecture  
for over 40 years.

Applies primary character traits—  
patient attitude—optimistic outlook—visions of beauty—careful craftsmanship  
to transform site challenges—issues—problems  
into  
graceful landscapes.

**LANDSCAPE ARCHITECTURAL DESIGN SKILLS**

- Experienced as both primary landscape design consultant and consultant representative on site projects with budgets ranging from several thousand to over one million dollars.
- Design leader and team member for wide variety of award winning projects including; private residences, multi-family housing, public parks and gardens, urban landscapes, school campuses and both medical and commercial facilities. Works well with people.
- Adept at discovering site opportunities.
- Clear organization, presentation and communication of design ideas.

**ORGANIZATIONAL AND PROJECT MANAGEMENT SKILLS**

- First Chairperson Vermont Chapter of the American Society of Landscape Architects
- Skilled Presenter to Local Development and State Environmental Boards
- Co-organizer for Kairos Clinton - a nationally based Christian volunteer program transforming our prisons and our communities.
- Co-organizer of Camp Agape Vermont - free camp for children who have experienced a parent's imprisonment— to break the cycle of intergenerational incarceration.

MEMBER  
American Society  
of Landscape Architects

Eight Linden Lane Essex Junction, Vermont, 05452  
PH/FAX 802-878-2778 C 802-578-9591  
mike@mclasla.com

## **EDUCATION**

University of Michigan – Ann Arbor, Michigan  
Bachelor of Landscape Architecture – 1969

## **EMPLOYMENT HISTORY**

Michael Lawrence & Associates PLC – Landscape Architects – Essex Junction, Vermont  
Founder, Landscape Architect 1988 - present.

The Site Concern Inc. – Landscape Architects – Burlington, Vermont  
Co-founder, Landscape Architect 1977 – 1988.

Siteworks Inc. - Landscape Design/Build Firm – Hinesburg, Vermont  
Co-founder, Design/Build Landscape Contractor 1974 – 1977

Burlington Associates - Architects – Burlington, Vermont  
Landscape Architect 1972 – 1973

The Office of Terrence Boyle – Landscape Architects – Burlington, Vermont  
Landscape Architect 1971 – 1972

M. Paul Friedberg Associates – Landscape Architects – New York, New York  
Landscape Designer 1970 – 1971

Miceli-Weed-Kulik – Landscape Architects – East Rutherford, New Jersey  
Landscape Designer 1969 – 1970

Ole Norgaard – Havearkitect – Copenhagen, Denmark  
Landscape Architectural Draftsperson – 1967

## **PROFESSIONAL REGISTRATION**

Landscape Architect—State of Vermont—#125.0070756

## **AFFILIATIONS**

Alpha Rho Chi -Architectural Professional Fraternity

American Horticultural Therapy Association

American Public Gardens Association

American Society of Landscape Architects

Burlington Tree Committee – Promoting Urban Forestry

Friends of Central Park – Preserving the quality of New York City's Central Park

Gospelfest Choir—Interfaith Community Choir

Kairos – Vermont State Board Chairman & National Board Member

Rock Point Natural Resources Committee - Member

Three Cathedral Square -Member Board of Directors

Camp Agape - Co-founder & Member Board of Directors

Habitat for Humanity—Construction Volunteer

## PARTIAL LIST OF PROJECTS

<b>Apple Hill Solar Project</b> Visual Assessment of Proposed Solar Array in view of VT Welcome Center	Bennington, VT.
<b>Anbaric Energy Project</b> Visual Assessment of Regional Scale Energy Project	New Haven, VT.
<b>Berlin Residence</b> Visual Assessment of Proposed Power Transmission Line in Scenic Vista	Charlotte, VT.
<b>Bishop Brady Center Master Plan</b> Site Master Plan for Historic Lakefront Property	Burlington, VT.
<b>Bluffs at Northshore</b> Master Site Development Plan for 75 Unit Lakefront Residential Development Mid-rise Building—Visual Impact Analysis from Lake Champlain	Burlington, VT.
<b>Bove's Foodprocessing Facility</b> Landscape Plan for New Processing Facility	Milton, VT.
<b>Bowers Windturbine Project</b> Visual Assessment & Maine LURC Testimony Windturbines on Scenic Lakes	Carroll & Kossuth, ME.
<b>Butler's Corners Highway Improvement Project</b> Master Landscape Plan for Stormwater Detention Area	Essex, VT.
<b>Burlington International Airport</b> Long Range Site Development Plan Master Landscape Plan for Parking Garage Expansion Landscape Plans to Upgrade Planting for Aesthetics & Maintenance Green Roof Living Wall Sound Barrier	Burlington, VT.
<b>Burlington Waterfront Park</b> Master Plan for Downtown, Lake Champlain Park	Burlington, VT.
<b>Calais Celltower</b> Visual Impact Assessment of Proposed Celltower	Calais, VT.

Cathedral Church of St. Paul  
Master Site Plan including Memorial Garden for Urban Cathedral  
Burlington, VT.

Cider Mill Neighborhood  
Traditional Neighborhood Development Master Plan  
South Burlington, VT.

College & Battery Street Residences  
Master Site & Landscape Plan for Dense Downtown Residential Facility  
Burlington, VT.

Cottonwood Crossing  
Master Site & Landscape Plan for New Community  
Williston, VT.

Denecker Chevrolet  
Visual Assessment and Photo Sims of Proposed Building in Scenic Corridor  
Vergennes, VT.

Eastview Continuing Care Facility  
Visual Assessment and Photo Simulations of Proposed Building Complex  
Middlebury, VT.

Elm & Union Elementary Schools  
Site Development and Landscape Plans for Elementary School Rehab.  
Springfield, VT.

Essex Town Center  
Master Plan for Traditional Neighborhood Development  
Essex Junction, VT.

Essex Alliance Church  
Site Plan for Suburban Church Expansion Project  
Essex, VT.

Essex Cinema  
Landscape Plan for Theater Addition  
Essex, VT.

Fairpoint Communications Tower  
Visual Assessment of Proposed Cell Tower  
Berkshire, VT.

Fairpoint Communications Tower  
Visual Assessment of Proposed Cell Tower  
Grand Isle, VT.

Fairpoint Communications Tower  
Visual Assessment of Proposed Cell Tower  
Milton, VT.

Franklin Park  
Master Plan & Visual Assessment of Residential Development along I-89  
St. Albans, VT.

**Hakone at Smugglers**  
Japanese-style Garden

Smugglers' Notch, VT

**Handy Auto Dealership**  
Master Plan & Visual Assessment of Auto Sales Facility in I-89 Corridor

St. Albans, VT.

**Hamlet Residential Neighborhood**  
Landscape & Lighting Plan for New Traditional Neighborhood Development

Williston, VT.

**Hardwick Veteran's Memorial Park**  
Master Plan to Upgrade Small Community Historic Park

Hardwick, VT.

**Hardwick Downtown**  
Revitalization Plan for Village Shopping Street

Hardwick, VT.

**Hilton Hotel**  
Urban Garden overlooking Lake Champlain

Burlington, VT.

**Homestead Residences**  
Visual Assessment for Multi-story Residences in I-89 visual corridor

St. Albans, VT.

**IBM Corporation**  
Site & Landscape Plans for New 1 Million SF HQ Facility

Southbury, CT.

**IBM Corporation**  
Site & Landscape Plans for Large Manufacturing Facility Upgrades

Essex Jct. VT.

**Key Bank**  
Landscape Plan for New Branch Bank

Burlington, VT.

**Lost Cove Residences**  
Master Plan for 12 Home Sites on Bluffs overlooking Lake Champlain

Colchester, VT.

**Lowell Windtowers**  
Photo simulations of Proposed Windtowers from Long Trail

Lowell, VT.

**Marriott Residence Inn**  
Landscape Plan for 90 Unit Inn

Colchester, VT.

**Marriott Residence Inn**  
Landscape Plan for 80 Unit Inn

Williston, VT.

**Meach Cove Trust**  
Visual Assessment of Transmission Line Crossing Historic Farm

Shelburne, VT.

**Merced Property**  
Visual Impact Assessment of Transmission Line in Bucolic Setting

Newfane, VT.

**Mount Mansfield Corporation Ski Lightings**  
Assessment of Visual Impact of Night Ski Lighting

Stowe, VT.

**NestGeneration Solar Project**  
Aesthetic Analysis for Proposed Solar Array

New Haven, VT.

**Police Station**  
Construction Documentation for New Urban Police Center

Boston, MA.

**Prentiss Farm**  
Visual Assessment and Vermont PSB Testimony for Rural Wind Tower

Huntington, VT.

**Quimonda North America Research Facility**  
Visual Assessment of Proposed Office Building

Williston, VT.

**Quinby Residence**  
Design Integrating Street Storm Drainage into Rear-yard Rain Garden

Burlington, VT.

**Reinhart Foods Facility**  
Landscape Plan for New Commercial Facility

Essex, VT.

**REM Commercial Development**  
Visual Assessment & Mitigation Plan for Commercial Facility in I-89 Corridor

Williston, VT.

**Rock Point Conference Center**  
Master Plan for Three Building Retreat Center Overlooking Lake Champlain

Burlington, VT.

**Rokeby Museum**  
Landscape Plan for New Museum Commemorating Underground Railroad

North Ferrisburgh, VT.



**Roxbury Latin School**

Site Plan for Athletic Fields & Parking Adjacent in Historic Neighborhood

West Roxbury, MA.

**Ryder Brook Golf Course Residence**

Phased Plan to Develop New Golf Course Residences and Club Center

Morristown, VT

**Saddleback Wind Turbines**

Aesthetic Assessment for Proposed Wind Turbine Project in Scenic Area

Weld, ME.

**St Anne's Shrine**

Master Development Plan for Seasonal Retreat Center on Lake Champlain

Isle La Motte, VT.

**Saxon Hill Industrial Park**

Master Plan to Integrate Recreation & Commerce on 600 Acre Land Parcel

Essex, VT.

**Senecal Quarry**

Visual Assessment and Impact of Proposed Stone Quarry on Public Corridor

Essex, VT.

**Silver Bay YMCA Camp**

Site & Memorial Garden Plans for Historic Camp on Lake George in Adirondacks

Lake George, NY

**South Meadow Neighborhood**

Master Plan for 120 Affordable Housing Units , Streetscape & Parks

Burlington, VT.

**South Village Solar Array**

Landscape Mitigation Plan for Solar Panel Project

South Burlington, VT.

**Suncommon Solar Project**

Aesthetic Analysis & Testimony before PSB

Addison, VT.

**Suncommon Solar Project**

Aesthetic Analysis & Testimony before PSB

New Haven, VT.

**Three Cathedral Square**

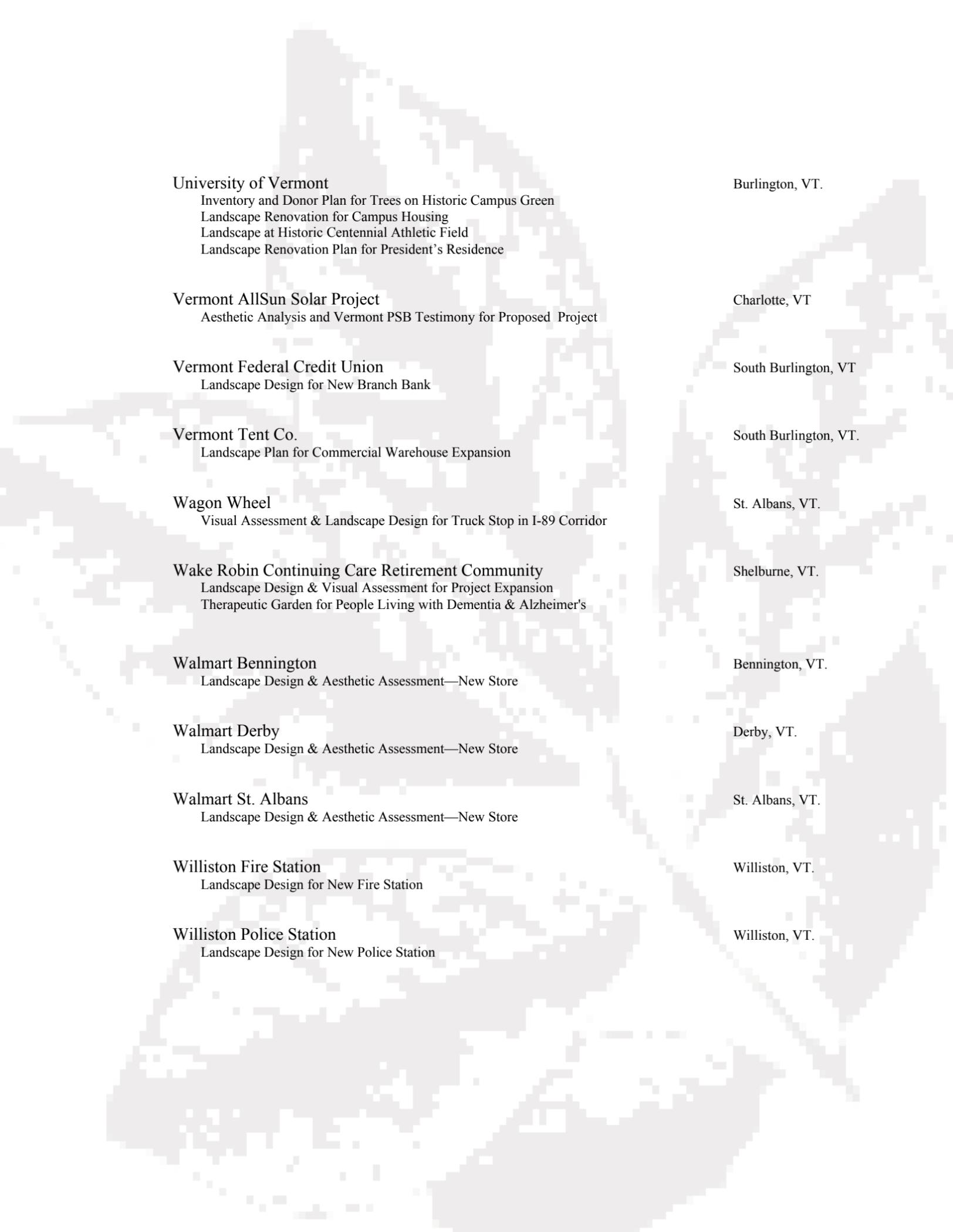
Parking Design & Courtyard Entry for 90 Unit Senior High Rise Bldg.

Burlington, VT.

**Texas Falls**

Design for Universal Access to Scenic Waterfall in Green Mountain National Forest

Hancock, VT.



**University of Vermont**

Inventory and Donor Plan for Trees on Historic Campus Green  
Landscape Renovation for Campus Housing  
Landscape at Historic Centennial Athletic Field  
Landscape Renovation Plan for President's Residence

Burlington, VT.

**Vermont AllSun Solar Project**

Aesthetic Analysis and Vermont PSB Testimony for Proposed Project

Charlotte, VT

**Vermont Federal Credit Union**

Landscape Design for New Branch Bank

South Burlington, VT

**Vermont Tent Co.**

Landscape Plan for Commercial Warehouse Expansion

South Burlington, VT.

**Wagon Wheel**

Visual Assessment & Landscape Design for Truck Stop in I-89 Corridor

St. Albans, VT.

**Wake Robin Continuing Care Retirement Community**

Landscape Design & Visual Assessment for Project Expansion  
Therapeutic Garden for People Living with Dementia & Alzheimer's

Shelburne, VT.

**Walmart Bennington**

Landscape Design & Aesthetic Assessment—New Store

Bennington, VT.

**Walmart Derby**

Landscape Design & Aesthetic Assessment—New Store

Derby, VT.

**Walmart St. Albans**

Landscape Design & Aesthetic Assessment—New Store

St. Albans, VT.

**Williston Fire Station**

Landscape Design for New Fire Station

Williston, VT.

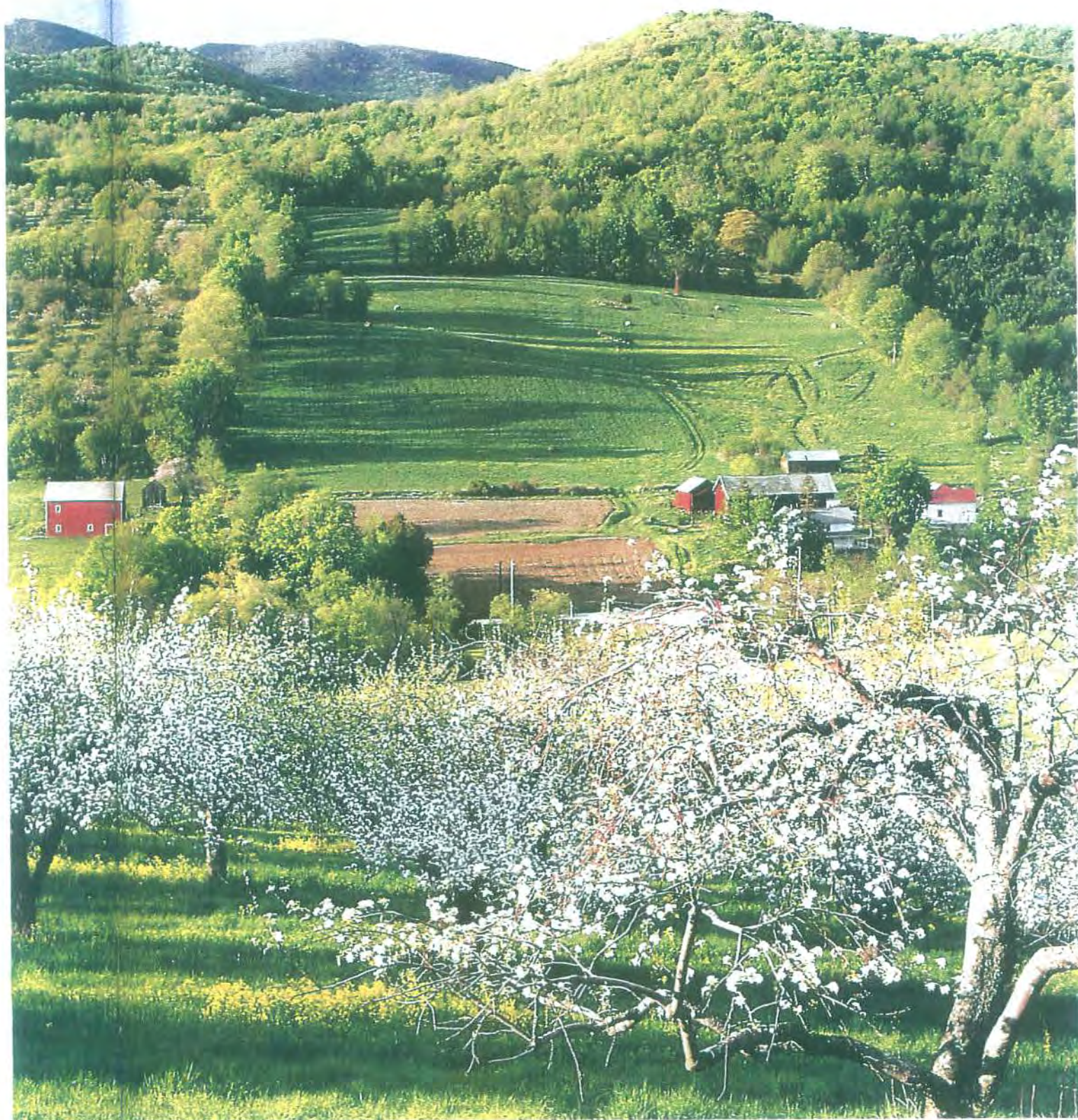
**Williston Police Station**

Landscape Design for New Police Station

Williston, VT.

Vermont Magazine  
or VT Life  
during that decade '90's?

EXHIBIT N-6



**Petition to the Vermont Public Service Board  
To Oppose Approval of Orchard Road Solar 1, LLC - Middletown Springs, VT**

**We the undersigned oppose the installation of the proposed net-metered 500kW solar project, Orchard Road Solar 1, LLC in Middletown Springs.** This project, to be built by the company EDF's groSolar on the upper hillside of Burnham Hollow Orchard on land owned by Dan and Judy Querrey, should not be granted a Certificate of Public Good by the Public Service Board for the following reasons:

- 1. The rural beauty, orderly development and character of the town of Middletown Springs would be adversely impacted by the planned 2,250 ground mounted solar panels, nine feet tall.** The proposed solar site is visible from multiple points East and West on Route 140, from points on Spruce Knob Road and from multiple properties on the hillside to the North of the site and off of Norton Road and Rocks and Trees Lane and from residential property on Coy Hill Rd.
- 2. The proposed site is within 300 feet of one existing home and would be 50 feet from the property line of another proposed residence.**
- 3. Neighbors are concerned about the accumulated residual toxins in the soil from long-term pesticide and chemical use in the apple orchard** that could flow into surrounding wetlands and the Poultney River as a result of soil disturbance and changes in drainage and runoff patterns during and after construction of the project.
- 4. This development could set a precedent for other commercial solar projects around town.**
- 5. The application calls it Orchard Road Solar 1.** The proposed solar array area is less than 5 acres, but the boundaries shown on the official proposed project parcel plan include approximately 30 acres. We fear this 500kW proposal could be the first step in a much larger future solar array located within this 30 acres.
- 6. This solar project will not be renewable energy for Middletown Springs.** The power is to be credited to Goddard College's electric bill in Washington County and other as-yet unidentified parties. Also, the Renewable Energy Credits will be sold, unless the applicant and utility specifically agree to retire them. If the Renewable Energy Credits are sold out of state, then power produced in Middletown will not count towards Vermont's state renewable energy goals.
- 7. Adding more solar power to the New England grid does not necessarily address climate change or reduce emissions.** The more solar that is built under the current system, the more gas generators need to be built to back up the intermittent renewable power.

Name

Middletown Address

Signature

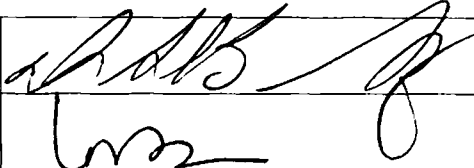



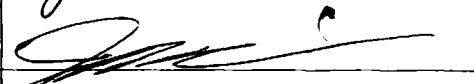


Kimberly Brown	48 Main Spring DR	Kimberly SB
Margaret Parker	177 South St.	Margaret Parker
Charles M Bullock Jr	<del>361 Dudley Rd</del> 361 Dudley Rd	Charles M Bullock Jr
Justin Bemis	380 Dudley Rd.	Justin Bemis
Brian Pierce JR	413 EAST ST	R R P
Susan Horner	18 North St	Sue Horner
Jodi Finamore-Horner	89 West St	J Horner

This petition is offered by these Middletown Springs property owners: Elizabeth Cooper, Dan McKeen & Ellen Secord, Neil Russell, Tom Russell, Richard Spitalny, Peter & Aileen Stevenson, David Wright

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- 4. This development could set a precedent for other commercial solar projects around town.**
- 5. The application calls it Orchard Road Solar 1.** The proposed solar array area is less than 5 acres, but the boundaries shown on the official proposed project parcel plan include approximately 30 acres. We fear this 500kW proposal could be the first step in a much larger future solar array located within this 30 acres.
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- 7. Adding more solar power to the New England grid does not necessarily address climate change or reduce emissions.** The more solar that is built under the current system, the more gas generators need to be built to back up the intermittent renewable power.

Name	Middletown Address	Signature
Donald Smith	60 Garon Rd.	
Marie Loukn	430 West St	
Wayne Lockwood	520 West St	
James P Mars Sr Joe P Mars Jr.	27 Footnot Lane	
Joe Blum	75 West St	
MARY Lou MARS	55 East St.	
Jeff Mars	55 East Street	

This petition is offered by these Middletown Springs property owners: Elizabeth Cooper, Dan McKeen & Ellen Secord, Neil Russell, Tom Russell, Richard Spitalny, Peter & Aileen Stevenson, David Wright

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Name	Middletown Address	Signature
Sean Ruck	280 Garmon Rd.	Sean Ruck
Thomas LaMontagne	240 Garmon Rd	Thomas LaMontagne
Susan Chasole	203 Garmon Rd	Susan Chasole
DAVID LAWRENCE	140 GORRILL RD	David Lawrence
Karen L Gutman	290 West St	Karen L Gutman
-amy L Springer	290 West St	-amy L Springer
Nick D Byle	367 140 W	Nick D Byle

This petition is offered by these Middletown Springs property owners: Elizabeth Cooper, Dan McKeen & Ellen Secord, Neil Russell, Tom Russell, Richard Spitalny, Peter & Aileen Stevenson, David Wright

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Name

Middletown Address

Signature

Susan Miller	40 East Street	Susan Miller
Justin Hler	25 Esst Street	<del>Justin Hler</del>
Cheryl Mahoney	22 East Street	Cheryl Mahoney
Erick Erickson	100 West Street	Erick Erickson
Claire E. Erickson	100 West St.	Claire E. Erickson
KATHLEEN FEELEY	317 North St	Kathleen Feeley
Joseph Parker JR.	237 North St.	Joseph Parker JR.

This petition is offered by these Middletown Springs property owners: Elizabeth Cooper, Dan McKeen & Ellen Secord, Neil Russell, Tom Russell, Richard Spitalny, Peter & Aileen Stevenson, David Wright

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Name	Middletown Address	Signature
Bridget Tarbell	151 West St	B. Tarbell
Charlotte BAKER	68 South St	C. Baker
Norvin Baker	68 South St	Norvin Baker
Eric Haynes	33 East St	E. Haynes
John West	286 GARRON	J. West
MARIANNE WEST	286 GARRON RD	M. West
Fernando Parker	220 West St	Fernando Parker

This petition is offered by these Middletown Springs property owners: Elizabeth Cooper, Dan McKeen & Ellen Secord, Neil Russell, Tom Russell, Richard Spitalny, Peter & Aileen Stevenson, David Wright

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Name

Middletown Address

Signature

Linda Justin	160 West St	Linda Justin
William Beckin	160 West St	William Beckin
Edward H. Ray	4 MARY LANE	Edward H. Ray
Christopher Ray	9 Mary Lane	Christopher Ray
Krista Trappe	380 Dudley Road	Krista Trappe
Jason D Mach	417 E. Street	
Brian Tallent	151 West St	

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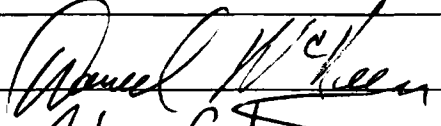
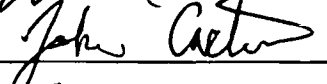
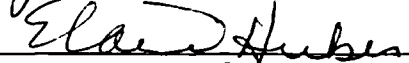
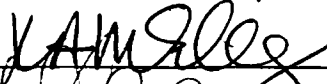

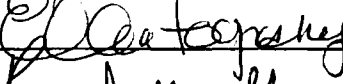

Name	Middletown Address	Signature
Andrew Floyd	10 Rocks + Trees Lane	Andrew J. Floyd
Heather Floyd	10 Rock + Trees Ln	Heather Floyd
Jody Dickerson	18 West St.	Jody Dickerson
Jon Dickerson	18 WEST ST	J. Dickerson
James P. Wright	23 Montvert Rd	James P. Wright
Beth Miller	817 Coy Hill Rd.	Beth Miller

This petition is offered by these Middletown Springs property owners: Elizabeth Cooper, Dan McKeen & Ellen Secord, Neil Russell, Tom Russell, Richard Spitalny, Peter & Aileen Stevenson, David Wright

**Petition to the Vermont Public Service Board  
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Name	Middletown Address	Signature
DANIEL MCKEEN	320 WEST ST.	
John Carter	538 West St.	
Elaine Huber	P.O. Box 1042	
Kelly McElheny	8 South St.	
Jennifer Yaffli	80 West St.	
Elaine Fogarty	352 South St	
Randall C. Greene	8 many Springs Lane	

This petition is offered by these Middletown Springs property owners: Elizabeth Cooper, Dan McKeen & Ellen Secord, Neil Russell, Tom Russell, Richard Spitalny, Peter & Aileen Stevenson, David Wright

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Name	Middletown Address	Signature
Diane Rosenmiller	50 West Street	Diane Rosenmiller
GLEN MOYER	85 GARRON RD	Glen Moyer
Martha Heitkamp	23 Buxton Ave	Martha Heitkamp
Amanda Carter	320A West St.	Amanda Carter
Sharon Krouse	18 Montfort Rd	Sharon Krouse
Anne Krouse	18 Montfort Rd	Anne Krouse
ANGELIQUE DUBOIS	60 Otis Dr	Angelique Dubois

This petition is offered by these Middletown Springs property owners: Elizabeth Cooper, Dan McKeen & Ellen Secord, Neil Russell, Tom Russell, Richard Spitalny, Peter & Aileen Stevenson, David Wright

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Name	Middletown Address	Signature
Stanley Achey	350 Daisy Hollow Rd	STANLEY ACHAY
DALE W. CARR	110 FITZGERALD RD	Dale W Carr
Sally K. Achey	350 Daisy Hollow Rd	Sally K Achey
Tom Russell	53 South St	Tom Russell
JUDITH MASLEH	53 South St.	Judith Masleh
Connie B Eaton	15 West Street	Connie B Eaton
Ken Carter	48 NORTON RD	Kenneth L Carter

This petition is offered by these Middletown Springs property owners: Elizabeth Cooper, Dan McKeen & Ellen Secord, Neil Russell, Tom Russell, Richard Spitalny, Peter & Aileen Stevenson, David Wright

**Petition to the Vermont Public Service Board  
To Oppose Approval of Orchard Road Solar 1, LLC - Middletown Springs, VT**

We the undersigned oppose the installation of the proposed net-metered 500kW solar project, Orchard Road Solar 1, LLC in Middletown Springs. This project, to be built by the company EDF's groSolar on the upper hillside of Burnham Hollow Orchard on land owned by Dan and Judy Querrey, should not be granted a Certificate of Public Good by the Public Service Board for the following reasons:

1. The rural beauty, orderly development and character of the town of Middletown Springs would be adversely impacted by the planned 2,250 ground mounted solar panels, nine feet tall. The proposed solar site is visible from multiple points East and West on Route 140, from points on Spruce Knob Road and from multiple properties on the hillside to the North of the site and off of Norton Road and Rocks and Trees Lane and from residential property on Coy Hill Rd.
2. The proposed site is within 300 feet of one existing home and would be 50 feet from the property line of another proposed residence.
3. Neighbors are concerned about the accumulated residual toxins in the soil from long-term pesticide and chemical use in the apple orchard that could flow into surrounding wetlands and the Poultney River as a result of soil disturbance and changes in drainage and runoff patterns during and after construction of the project.
4. This development could set a precedent for other commercial solar projects around town.
5. The application calls it Orchard Road Solar 1. The proposed solar array area is less than 5 acres, but the boundaries shown on the official proposed project parcel plan include approximately 30 acres. We fear this 500kW proposal could be the first step in a much larger future solar array located within this 30 acres.
6. This solar project will not be renewable energy for Middletown Springs. The power is to be credited to Goddard College's electric bill in Washington County and other as-yet unidentified parties. Also, the Renewable Energy Credits will be sold, unless the applicant and utility specifically agree to retire them. If the Renewable Energy Credits are sold out of state, then power produced in Middletown will not count towards Vermont's state renewable energy goals.
7. Adding more solar power to the New England grid does not necessarily address climate change or reduce emissions. The more solar that is built under the current system, the more gas generators need to be built to back up the intermittent renewable power.

Name	Middletown Address	Signature
Kim Carr	Fitzgerald	Kim E Carr
Barby Carr	Fitzgerald Rd	Barbara L. Carr
WINSOME L. MORAN	398 South Str.	Winsome L. Moran
Alida Tarbell	124 West St	Alida Tarbell
Rodney Tarbell	124 West St	Rodney Tarbell
Rita Hansen	200 Garrison Rd	Rita Hansen
Garf Franz	240 Fitzgerald Rd	Garf Franz

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Name

Middletown Address

Signature

Debra L. Squires	9 West Street	Debra L. Squires
Shirley Oskamp	56 Rocks + Trees Lane	Shirley Oskamp
Gary Lindorff	56 Rocks & Trees Lane	Gary Lindorff
Lois R. Dansereau	21 West St	Lois R. Dansereau
Paul G. Dansereau	21 West St.	Paul G. Dansereau
Andrew A. Floyd	180 Norton Rd	Andrew A. Floyd
Elizabeth W. Cooper	49 Rocks & Trees Lane	Elizabeth W. Cooper

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Name	Middletown Address	Signature
<del>BARBARA</del> Sissy Hicks	#10 West Street	<del>Barbara Hicks</del>
ROSANNA J. IORNABENE	1 NORTH STREET	Rosanna Iornabene
Margaret Foster	457 Coy Hill Rd	Margaret Foster
Doreen & Nathan Harbuck	Fox Bridge Lane	Nathan Harbuck
Clayton H. Korb	457 Coy Hill Rd	Clayton H. Korb
PETER STEVENSON	97 Coy Hill Rd	Peter Stevenson
Aileen H. Stevenson	97 Coy Hill Rd.	Aileen H. Stevenson

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**Petition to the Vermont Public Service Board  
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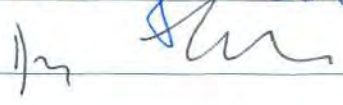
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Name

Middletown Address

Signature

Dorothy Reed	18 North Street	DOROTHY REED
Sherry Reed	18 NORTH ST	Sherry Reed
NEIL RUSSELL	240 WEST ST	
Ellen Secord	320 WEST ST	Ellen Secord
David FREELICH	22 Sunny Lane	

This petition is offered by these Middletown Springs property owners: Elizabeth Cooper, Dan McKeen & Ellen Secord, Neil Russell, Tom Russell, Richard Spitalny, Peter & Aileen Stevenson, David Wright

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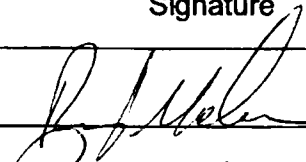
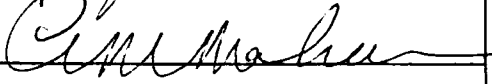
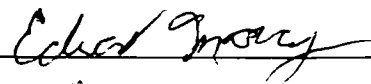
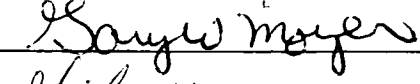
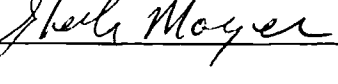
Paul Parker	181 South ST	Paul Parker
Judith Parker	181 South Street	Judith Parker
Howard Robinson	76 West Street	Howard Robinson
Patricia G. McWilliams	70 Donahue Rd.	Patricia G. McWilliams

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Name	Middletown Address	Signature
Ryan Mahar	9 Mountain Rd.	
Ann Marie Mahar	9 Mountain Rd.	
EDWARD SEARCY	West St.	
Sony W Moyer	6 Moyer Acres Rd	
Sheila Moyer	6 Moyer Acres Rd	

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Name	Middletown Address	Signature
Dana Wright	23 Montvert Rd	Dana P. Wright
Joe S. Berger	35 Montvert Rd.	Joe S. Berger
Josephine Berger	35 Montvert Rd.	Josephine Berger
LINDA BERRY	169 Garraw Road	Linda Berry
Ursula Smith	169 Garraw Road	Ursula Smith
Mildred Stephenson	180 NORTH ST	Mildred S. Stephenson
William J. Stephenson	180 NORTH ST	William J. Stephenson

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Name

Middletown Address

Signature

Helen Jaeger	31 Buxton Ave, MTS 05757	Helen Jaeger
James Webber	57 South St. MTS 05757	James Webber
PATRICIA PELLICCI	403 DUDLEY RD MTS 05757	Patricia Pellicci

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Name	Middletown Address	Signature
* Lisa Blanchard	20 Lookaway Rd	Lisa Blanchard
* Ray Blanchard	20 Lookaway Rd	Ray Blanchard
* John Blanchard	20 Lookaway Rd	John Blanchard

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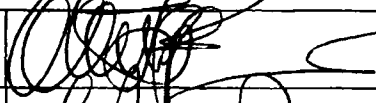
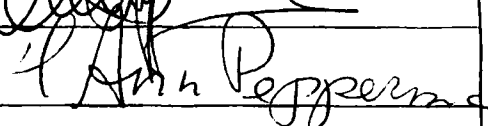
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Name

Middletown Address

Signature

WALTER L. PEPPERMAN II	549 COY HILL ROAD	
T. Ann Pepperman	" " "	

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